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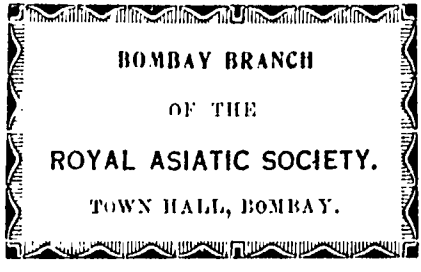

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HISTORY

OF THE

REPUBLIC

OF THE

UNITED STATES OF AMERICA,

AS TRACED IN THE WRITINGS OF

ALEXANDER HAMILTON

AND

OF HIS CONTEMPORARIES.

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aC

BY

JOHN C. HAMILTON.

VOLUME VI.

"Neque enim est ulla res, in qua propius ad Deorum numen virtus accedat humana quam civitates aut condere novas, aut conservare jam conditas."—*Cic. de Repub.*

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THE HISTORY

OF THE

REPUBLIC OF THE UNITED STATES.

CHAPTER CVII.

A NEW scene opens to view. Great as is the public surprise, strong as is the indignation at the disclosure, now first fully made, and proven, of an organized conspiracy by leading men of Virginia against the administration of Washington, the developments which are to follow must produce nothing short of breathless astonishment. Venality will be seen sitting beside the chair of the President, scrutinizing his countenance, watching his lips, marring his counsels—a leading member of his cabinet soliciting a bribe at the hands of a foreign minister and in complicity with an Insurrection against the Government—approved by Jefferson; if not extenuated, not discountenanced by Madison—Hamilton again beset by all the arts of faction—again beheld modestly triumphant.

"The views of the greater part of the opponents to the Federal government," Madison wrote, "have *ever*

since the Convention, been regarded by *me* as *permanently hostile*, and likely to produce every effort that might *endanger* or *embarrass it*.—I take it for *certain*, that a clear majority of the assembly" (of Virginia) "are *enemies to the government*, and I have no reason to suppose, that I can be less obnoxious than others on the opposite side." This is the language of a letter of the second of November eighty-eight, addressed by Madison to Edmund Randolph—Madison now among the foremost of those "enemies of the government"—Randolph an accomplice.

While Jay was seeking to lay the basis of an enduring peace with England under the orders of Washington, Randolph is seen endeavoring to keep open with her the causes of war under the mandates of party.

Thus a similar predilection to France and hostility to Great Britain with those of his predecessor are observed in his correspondence, as Secretary of State. The answer of the British Ministry to the memorial of the American resident at London against the Instructions of the eighth of June, had been submitted by the President to Congress.—A short time after this memorial was received at Philadelphia, an elaborate reply to it was addressed by the British resident Envoy to the Secretary of State.—After stating that the situation of France was notoriously such at the time these Instructions were issued as to indicate the interruption of its supplies, as one of the means of reducing her to reasonable terms; and, that this commerce, being conducted by the ruling party, rendered it an immediate operation of the parties who had declared, and were waging war against Great Britain, Hammond proceeded to defend them.

He insisted, that, by strictness of right, a Belligerent was warranted, both in stopping and seizing supplies of

provisions going to its enemies;—that the rigor of this law was modified by these Instructions;—not only, by exempting other provisions and especially *rice*, but, by assuring to the neutral proprietors of Cargoes of *Corn*, a full indemnification.

He also urged, that the preference in favor of Denmark and Sweden, in case of vessels going to a blockaded port, was solely the result of treaty stipulations.

In reply to these positions, Randolph, the Secretary of State, contended, that the original criterion of contraband was, whether the articles were "instruments of War;"—that, by the construction which embraced "provisions" under this head, almost every article necessary to human comfort would be embraced.

He next recapitulated the language of various treaties of England, for the purpose of showing, that, by her own practice, "provisions" were not deemed contraband.—A similar practice was stated to prevail among the other nations of Europe.—This exemption was also deduced by various quotations from European publicists.

The right to have provisions exempted from seizure having been dwelt upon,—the topic next discussed by the British Envoy was, the alleged moderation of the Instructions in granting an indemnification. In reply, the adequacy of this indemnity was declared to depend on a variety of circumstances not easily measured, from which a strong probability was alleged, that it was insufficient.

The preference of Denmark and Sweden, as the result of treaties, it was intimated, was at least evidence of an unsocial policy toward the United States in exacting every iota of right.

The draft of this reply was submitted, by direction of the President, to the Secretary of the Treasury.

The following letter will show the view taken by Hamilton of the interesting questions, then at issue:—

* "I did not receive the draft of your reply to Mr. Hammond on the subject of the Instructions of the eighth of June till bed-time last night; nor could I, without a much more considerable delay than seems to comport with your plan, pretend to enter into an accurate, sifting scrutiny of this paper. I must therefore confine myself to a very few remarks.

"If my memory serves me right, your position, that the United States alone suffer from the operation of the above-mentioned instructions, is not accurate.—I take it, that provisions on board of all neutral vessels going to any port of France, are liable to the same treatment, except in the single case of their going to a place blockaded or besieged,—when the rigor of the law of nations is enforced against us by a confiscation in the first instance; whereas, in respect to Sweden and Denmark, it is mitigated by the circumstance of admonition first, and confiscation afterwards.

"But, even in this particular, the other neutral powers (Sweden and Denmark excepted) were left in the same predicament with us. I do not understand either, that, in fact, any ports of France have been deemed blockaded, so as to produce *confiscation*, except those *actually* so.—But not having the Instructions before me, I cannot speak with precision.

"II. You seem to take the position too strictly;—that none but such articles as are *peculiar* to war are deemed contraband. Other articles, besides those, are usually deemed contraband, (as *naval stores*,) which are the general instruments of commerce, in time of peace as well as a mean of war.

* April 27, 1794.

"III. You appeal strongly to the conduct of Great Britain for a century past as to the question of provisions being treated as contraband, or otherwise interdicted from being carried to an Enemy's country.—I fear, examples may be cited upon you which will include the point and more. Is there not a treaty between Holland and England within a century which goes much further? and, you may be perhaps pressed by examples from other countries. I remember a declaration from France to the States General, in the time of Louis the fourteenth, as I believe, which imposes much more extensive restrictions.

"IV. There appears to me too much tartness in various parts of the reply.—Energy without asperity seems best to comport with the dignity of National language. The force ought to be more in the idea than in the expression or manner.—The subject of the paper is the Instructions of the eighth of June, not those of the sixth of November.—I suspect, from some later lights which I have received, that more of justification for the former can be found in the practice of Nations than I was originally aware of; and the expression of our sensibility, and the energy of our resistance ought to be proportioned to the nature of the case.

"On the whole, I submit, whether it be not advisable to give no other reply than a general one—declaring, that the doctrines advanced in support of the Instructions of the eighth of June, do not appear to us well founded; but, that being among the objects committed to Mr. Jay's negotiation, a particular reply is forborne.—We are still in the path of negotiation, let us not plant it with thorns."

Where the design was to widen the breach with Great Britain this last suggestion would have little weight.—The draft of the reply was modified, but to what extent there are no means of showing.—Its essential

features are retained, and its tone was sharp, harsh, offensive, although the President, when he approved the observation as to indemnification, had directed that all asperity be avoided.

A few days after, another Message was sent by him to Congress covering a further correspondence between Randolph and Hammond.—This correspondence was resumed in consequence of information, that Governor Simcoe with a party of British troops, had taken a commanding position near the rapids of the Miami for the purpose of erecting a fort.

This movement following the supposed speech of Lord Dorchester, and the desire shown by the Government of Canada to retain the command of a part of the contiguous territory of Vermont, indicated an intention to hold the Posts; and so to circumscribe the limits of the United States, as to exclude their citizens from the navigation of the great lakes.

The effect of these measures on the future interests of this Republic, and the immediate injury produced by the encouragement this expedition gave to the hostile Indians, were too serious not to demand immediate attention.

A representation was made to the British Minister, and an explanation demanded in terms fully warranted by such unequivocal evidence of hostility.—It was replied to by an angry recrimination on the past conduct of this Country, in which the permitted invasion of their sovereignty by French privateers was a leading topic.

Randolph unsuccessfully pressed the President to permit him to publish his answer.

The Message which communicated this correspondence in confidence, urged upon Congress the "propriety of placing the United States in a posture of effectual pre-

paration for war, an event which, notwithstanding their efforts to avert it, he felt might be forced upon them."

Threatening as the crisis was, this suggestion was disregarded, and the bill to augment the Military force, which had been originated early in the session, was rejected. A bill for the same purpose passed the Senate, but it was also rejected by a full party vote, on its first reading in the House of Representatives.

At the same time, a resolution, interdicting all commercial intercourse between the United States and the British American possessions, was brought forward by a member of the Democratic party, but a sufficient vote was not obtained to pass so hostile a measure.—It was supported by Madison, Macon and several other of its leaders.

It is apparent, from the incidents of this session, that, prompted by their devotion to France and their antipathy to the neutral policy of which Hamilton was known to them to be the author, that the opposition were under few restraints.—Wielding a majority in the popular branch of the legislature—enjoying a large share of the public feeling, blind to the atrocities of France, and dazzled by her successes, they held a formidable position.

The recent nomination of Jay had given deep umbrage to this party, and was the subject of much public clamor.* Under these circumstances, it was thought by the President expedient to endeavor to propitiate them. This opportunity was offered by a request from France, that Morris the American Ambassador be recalled, and

* The Democratic Society of Philadelphia, then in frequent session, made a formal Report on the conduct of the Government—which was transmitted to all the affiliated Societies.

In this Report, they declared that Jay's appointment was a violation of the Constitution—that it was a measure superseding Legislative functions by Executive interference.

that a successor be appointed. This request had been made by Genet soon after the arrival of Fauchet, and was renewed by him.—The President, feeling the necessity of complying with it, (as an act of reciprocity for the recall of Genet,) anxiously sought a substitute. He called upon Hamilton to submit to him the names of persons from among whom he might select a candidate; and a list, embracing names from different States, was presented by him.*

Being in much doubt as to the selection, the President proposed to transfer Pinckney to Paris, hoping that Jay might be induced afterwards to accept the resident embassy at London.—Jay declined this embassy, and, notwithstanding the objection of Randolph,† the Mission to France was offered to Chancellor Livingston who did not accept it.‡

In the mean time, two persons, neither of whom had been in the contemplation of the President, were brought before him—Burr and Monroe.

Madison was consulted by Randolph.—The latter stated

* Georgia: Nathaniel Pendleton, District Judge.—South Carolina: J. Rutledge, E. Rutledge, C. C. Pinckney, C. Pinckney, late Governor.—*Virginia*: T. Jefferson, J. Madison, McClurg, I. Marshall, (principles as to—unknown,) E. Randolph, Henry Lee.—Maryland: Governor Johnson, James McHenry, (principles as to—unknown,) James Lee.—Delaware: Paca.—*Pennsylvania*: Thomas Mifflin, W. Bingham, Franklin—absent—Bradford, Attorney General.—New Jersey: Ingersol.—New York: G. Clinton.—Connecticut: Humphries.—Massachusetts: Charles Jarvis, James Sullivan, E. Gerry.

"The Secretary of the Treasury's—list of names, from whence to take a *Minister* for France.

"*May 19th*, 1794."

† Randolph objected to him on account of his deafness.

‡ He (R.) writes—May 14th, 1794, "R. R. L. wishes to be *asked again* to go to France."

to the President,* that Madison's opinion "appeared to be decided, that his station as Senator did not incapacitate Burr for this office, and that he *was a proper person.*"

As Washington observed, "after several attempts had failed to obtain a more eligible character"—he appointed Monroe. At the same time, Short was commissioned as Minister to Spain, and John Quincy Adams, the son of the Vice President, to the Hague.

The nomination of Monroe was announced by the leading Gazette of the opposition—in terms not a little indicative of their sense of the sacrifice made by the President to party prejudices.—It was there declared, that "the real friends of their country would rejoice, that the important trust of drawing closer the ties which unite the sister Republics, should be placed in hands so worthy the confidence of Republicans."

At a moment when the conduct of both the recently appointed Ministers was the subject of a close scrutiny—the acceptance of this appointment by Monroe did not escape remark.

It was asked, how could he reconcile this act with his opposition to the appointment of Jay, on the ground, that being Chief Justice, it was incompatible with the Constitution? † If this precedent was as dangerous, as it had been alleged, was the nomination of a Senator to a foreign Embassy less objectionable? What check will there be on the conduct of the Executive, if he can seduce from his post, a watchful Cerberus—the guardian of our rights? What a door for faction, intrigue and cavil is opened by

* Randolph to Washington, May 27th, 1794.

† Madison to Jefferson, April 28th, 1794, as to Jay not resigning the office of Chief Justice. "If animadversions are undertaken by skilful hands, there is no measure of the Executive administration, perhaps, that will be found more severely vulnerable."

this precedent?—A member of the Senate, ambitious and desirous of a foreign appointment, has only to clamor against the Executive, thwart his views, intrigue with a foreign minister, call for the correspondence of the present Ambassador, and censure it as hostile to the country where he resides; induce his being recalled; and the Executive, to get rid of so troublesome an opponent, appoints him the successor!

Ought a Senator who has voted against the existence of an office, or regulated its emoluments, be selected to fill it? What must be thought of the appointment of a man to an office, which, when another person was appointed, he asserted to be unnecessary?

By those who did not feel the force of the objection in either case, the inquiry was put, "where is the consistency of those who clamored against the appointment of the Judge, and now approve that of the Senator? What new clamors would not have been raised had a friend of the administration been selected for this office?"

In a labored vindication of Monroe, the distinction was taken, that Jay did not, *after* his appointment, resign his judicial office, while Monroe relinquished his Senatorial station.

The fallacy of this distinction was alleged to consist in this;—that the incompatibility, if any, subsisted in both cases, with equal validity, at *the time of the appointment*—that Monroe opposed the appointment of Jay, *because he was Chief Justice, when nominated; and acquiesced in his own nomination, being a Senator.*

Either the objection, on the ground of the Constitution, applied to the period when Jay was nominated; or to a period subsequent to his appointment.—If to the former, the Constitutional objection was as valid against Monroe as against Jay.—If to the latter period, then by

the Constitutional incompatibility, Jay was no longer Chief Justice. His acceptance of the embassy vacated that office.

In either view, a dilemma existed as to Monroe's defence. If he applied the Constitutional objection to the former period, it invalidated his own appointment.—If, to the latter, then the clamor against Jay was groundless.

This allusion to a call for the correspondence of Gouverneur Morris referred to a proceeding in the early part of the Session. It being known, that Hamilton had been instrumental in the appointment of that individual, a resolution was moved by Monroe, which passed, while the vote of Gallatin gave the opposition a majority,—requesting the President to lay before them the correspondence of Morris with the French Government and with the Department of State. The President, after much deliberation, thought it proper to communicate the points which related to information, merely;—avoiding a disclosure of such, as might jeopard the informants of the Ambassador.

With this view, he, together with the Secretaries of the State and Treasury, made a selection from his dispatches, which, he presented to the Senate, in confidence, and in terms that guarded the rights of the Executive. The disclosure, instead of producing the anticipated effect, and exposing the administration to the charge of unfriendliness to France, raised the reputation of the author of these able dispatches.

The investigation into his official conduct which had been demanded by the Secretary of the Treasury was, near the end of the Session, brought to a close.

Among the evidences of the vindictiveness of the opposition towards him, it will be observed, that an inquiry imposing on that Officer the immense labor of developing the whole course of the fiscal operations of the

Government from its organization, was instituted simultaneously in both branches of the National Legislature.

In the Senate, it was referred to a committee of Gallatin, Taylor, and Elsworth.—There is no trace on the journals of its having been proceeded in by that body.

In the House, a resolution was passed on the twenty-fourth of February, for the appointment of a Committee of Investigation to report generally, and also under particular instructions.

This resolution was moved by Giles, who, after stating the causes why this proceeding had been delayed, thus observed: "He could not help remarking, that at an early period of the session, this Resolution had been termed the torch of discord. He thought, if it could be viewed impartially and according to its own design, it would be found to possess no such character. Its primary object was, to ascertain the boundaries of discretion and authority between the Legislature and the Treasury department. To effect this object, it became necessary to have a knowledge of the Treasury department,—an essential duty which ought not to be construed into a design to interrupt the harmony of deliberation. If the performance of this duty be construed into an effort at discord, it must be, either, because Congress possess the knowledge the investigation proposed to obtain; or, because it was held that the knowledge of this subject should be left to the Treasury officers. If this doctrine be contended for, it ought to stimulate the exertions of those who believed it to be subversive of the primary principle of the Constitution.

"The Public debt was an important subject of legislation. Its system was intricate,—its extent unknown. It embraces the interests of a very sagacious and powerful class of citizens. The Constitution made it the peculiar province of the Representatives, immediately chosen

by the people, to superintend the contributions and the distributions of all public moneys. This was their highest duty. How can this understandingly be performed without the knowledge of the whole machinery of the Treasury Department?

"The omission to discharge it by the Representatives will cause it to be performed by the head of the Department. A species of laws will grow out of an inattention to and a consequent ignorance of this subject, which may be called—*the rules of office*—the *forms of the Treasury*—the *practical* construction of *laws* contravening the *legal* construction. In all conflicts between this species of laws and the laws pronounced by the Constitutional tribunal,—the advantage would be in favor of the Treasury system,—because *this* would be the *practical*, *that* the *theoretic* system of legislation. Our inattention to the subject might, in a course of time, leave the Legislature the mere right of registering Treasury edicts.

"It may be said, that this is not the case, at present. It is not proposed to give any opinion on this point. The remarks have been intended to show, the probable tendency of intrusting this important branch of legislation to the Treasury Department, which would be the infallible consequence of the ignorance of the Legislature of the Treasury proceedings.

"The propriety of placing confidence in the Executive Officers is an argument very familiar to this House. This is proper, so long as the officer confines himself to his legal designated functions. If, in any case, he should exceed these, it becomes the duty of the Legislature to notice the proceeding;—to ascertain his functions by law, and to limit his discretion. This argument of confidence may be carried to a dangerous excess. The people have confidence in their Representatives,—bestow on them cer-

tain trusts, and impose on them certain duties. The Representatives have confidence in the Executive officers. They transfer to them these trusts and duties. What would be the result?—a complete and radical change in the most essential character of the Government. Instead of the Legislature prescribing rules of conduct to the People, the Executive officers would prescribe them; and the Legislature would be of no other use than to legalize Executive proceedings.

"The consideration of individual ease, would always operate in favor of this idea. The argument of individual interest might possibly aid in some instances, and the argument of policy in others—for there may be found individuals who might possibly prefer this to the constitutional state of things.

"These remarks," said Giles, "had been made to show in very general terms, the impressions which the subject had made on his mind—to exhibit the general object; to prove that it was not unimportant; and, that if such should be the opinion of the House, the stage of the session required that it should receive immediate attention."

In phrases, thus aptly chosen to induce the belief that the most grave considerations, involving no less a question than their legislative independence, had prompted it, the Resolution for a Committee with precise instructions, was ushered into the House of Representatives.

The Committee was composed of fifteen members.—Of these, each State had one Representative, exclusive of South Carolina, one of whose Representatives, Smith, was known to possess the special confidence of Hamilton.

With the exception of Baldwin, Giles, and Swift; they were persons of inferior consideration, new members—apt to be swayed by the authors of the inquiry. In re-

spect to its political complexion, *two thirds* of the Committee were of the Democratic party.

This Committee,* on the twenty-second of May, three months after it had entered upon its duties, having exercised the full powers conferred upon them of sending for persons, papers and records, made a very elaborate Report, which was communicated to the House of Representatives. †

The *first* branch of the Report related to "the state of the Treasury Department, generally." This embraced an answer to an inquiry as to the rules and modes of proceeding observed with regard to the *collection*, keeping, and *disbursement* of public moneys, and the accounting for them.

The substance of this document has been anticipated in a view of the organization of the Treasury Department —a system which may be pronounced perfect in the simplicity of its parts;—the efficiency of its checks;—the promptitude and unerring certainty of its comprehensive results.

The residue of the Report gave the results of the Inquiry, as to the several points of examination specially referred.—The first of these was "whether the Forms of keeping the accounts were calculated to effectuate the dispositions of the public money, as prescribed by Law." Two general principles governed this matter.—One, "that no payment *into* the Treasury was valid, so as to justify the definitive credit to the Payer, except the Treasurer's receipt was endorsed upon a warrant in his favor; signed by the Secretary of the Treasury; countersigned by the Comptroller; and recorded and attested by the Regis-

* The Chairman was Baldwin, a native of Connecticut, who had emigrated to Georgia, one of the most hostile of Hamilton's opponents.

† American State Papers. Finance—vol. 1, p. 281.

ter." The other,—"that no payment *from* the Treasury was valid, unless made in pursuance of a warrant on the Treasury, signed by the Secretary of the Treasury—countersigned by the Comptroller, and attested by the Register."

The effect of this arrangement was stated to be, that the Secretary of the Treasury was responsible for the issuing proper directions for the transferring and disposal of all moneys, in the first instance; and that no expenditure was made except in pursuance of appropriations.—The Treasurer was the sole agent for the disposal of all moneys once placed in the Treasury.—The Comptroller was responsible, that no warrant should be countersigned for which there was no existing appropriation; and jointly with the Auditor, that no illegal and improper charges should be admitted into the settlement of accounts.—The Register was responsible, that the records were truly made, and the accounts and vouchers carefully preserved.

The investigation into the subject of the *second* instruction, whether "the cash receipts from domestic sources had exceeded, equalled, or fallen short of the domestic cash expenditures from the establishment of the Government, to the first of January—ninety-four" —resulted in a statement, not only of the gross revenue of the country and of the appropriations chargeable thereupon, and of the unsatisfied appropriations; but in a specific view of the quarterly balances of the cash receipts and expenditures of all the Revenue,—of those from Domestic resources—excluding foreign and including Domestic loans; and of the Revenue, excluding both foreign and domestic loans.

The small amount of the balances beyond the appropriations shows the surprising vigilance of the Department to keep the Sinking fund in vigorous action.

The *third* instruction was, to ascertain whether the

Sinking fund at the time of its establishment, consisted of cash, or bonds; and the dates when the bonds became payable.—The Reply was, that it originally consisted of the surplus of duties arising from merchandize and tonnage, to the end of the year ninety, nearly amounting to one million four hundred thousand dollars—of which, about eleven hundred thousand consisted of bonds payable quarterly, excepting those for teas, and wines. The residue was cash.

The *fourth* point of examination, was, as to the proceedings under the two laws authorizing Loans, and as to the *authorities* for those proceedings;—the amount of the debt to Holland produced by them, and the amount of the foreign debt discharged thereby;—the amounts drawn for, the times of the drafts; the authority for them; and the application of them—whether the proceeds were deposited immediately in the Treasury, and if not, where, to what amount, and during what period they had been made elsewhere.—Whether a complete fulfillment of the engagements to *France* had been, in any degree, obviated by such drafts;—whether any portion of the French debt was unpaid at the end of ninety-two, and what balance remained unpaid;—the date of the first information to the House of such drafts being made; and whether, any call of the House had been made on the Treasury department, which embraced the idea of a previous disclosure thereof.

CHAPTER CVIII.

In reply to the *first* branch of this Inquiry, which related to the proceedings under the two laws authorizing Loans, and as to the authorities for those proceedings,—copies were furnished by Hamilton of the Acts of the fourth and twelfth of August ninety, of the authorities and 'Instructions' from the President to the Secretary of the Treasury, of the letters addressed by him to Short; the designated Agent of the Government;—and to the bankers of the United States. A statement was also given, exhibiting the names of the persons by whom, and to whom, the payments on the French debt had been made,—specifying the dates and sums.

The "Power" and "Instructions" from the President authorized the Secretary of the Treasury to borrow, by virtue of the two acts of the fourth and twelfth of August, such an amount as would discharge such part of the interest and principal of the foreign debt as was payable at the end of the year ninety-one; and to extend the loan so far, as to discharge the residue of the debt, provided it could be done on terms advantageous to the United States. *

The extent of the Secretary's authority had been the

* This power authorized the Loans to be made by the Secretary, "*within the said States, or elsewhere.*"

chief ground of objection during the former proceedings of the House.

In the course of the present investigation, Hamilton raised the preliminary inquiry, whether they expected from him "the production of any authorities from the President to him in reference to the Loans made by him, under the two acts of 1790, except such as regard merely the making of those loans; and the application and disbursement of such part of their proceeds, as were to be disbursed in foreign countries."

To a requisition extending beyond this, he objected on the ground: that, it resulted from the Constitution of the Treasury department, that all receipts and expenditures of public money within the United States, must pass through it; and consequently, whenever a Loan was made, it was, *ex officio*, the province of the Treasury to draw its proceeds into the Treasury, and disburse them according to law. That, whenever it appeared, that "the President had constituted the head of a Department its Agent for any general purpose intrusted to him by law, all intermediate authorities from the President to the Agent, being conformable to law, were to be presumed;" that the proper inquiry was, "whether the laws have been duly executed or not;" and that the question of authority "from the President to his Agent, must be to the legislature, immaterial and irrelevant." "That question must then be a matter purely between the President and the Agent, not examinable by the Legislature, without interfering with the province of the Chief Magistrate, to whom alone the responsibility alone is."—"That all authority from the President to do anything not warranted by the laws of the fourth and twelfth of August was wholly disclaimed. A complete responsibility for the due and faithful execution of those laws, is admitted to rest on the head of the Treasury De-

partment. He claims no protection from any instruction or authority of the President, for any thing which may have been irregular or wrong; but he respectfully conceives, that the competency of his authority from the President to do, what being done, is conformable with the laws, is not under the circumstances of the case, a proper object of legislative inquiry."

The Committee, nevertheless, requested a statement of the authority by which any portion of the Loans had been drawn into the United States.

In reply to this Inquiry,—a memorandum entitled "Principles and Course of Proceeding" with respect to these moneys, was submitted by Hamilton to the Committee, on the first of April.

It stated, that "he conceived it to be a clear principle, resulting from the spirit and provisions of the act constituting the Treasury department, that all public moneys once obtained and destined for disbursement within the United States, came of course under the direction of the officers of that Department according to their respective functions; and that no special authority, extrinsic to it, was, in strictness, necessary to enable them to draw money, from whatever source originating, into the Treasury; or to issue them thence for the purposes designated by law. Though, "a less clear principle," yet he considered it as "one most agreeable to the true spirit of the Constitution of the Department, as well as essential to the preservation of order and due accountability in the money transactions of the country, that even, moneys, procured abroad and to be disbursed abroad, were, as to their application, to be under the direction of the same Department." He then referred to the general "commission" from the President, and to *his* "Instructions," adding, that the disposition of each subsequent Loan was,

with the reasons for it, submitted to him to obtain his sanction which was always had;—that these communications and sanctions were mostly verbal, with two exceptions;—these exceptions being letters from the President, were adduced as evidence of the course and spirit of the proceeding. This paper closed with this observation, "It is to be understood, that the sanctions of the President were always bottomed upon the representations of the Secretary; and were always expressly or tacitly qualified, with this condition, that whatever was to be done, was to be agreeable to the laws."

The Committee required that this memorandum should be presented to the President, and that his declaration concerning it should be obtained.

This requisition of the Committee was evidently made, under the expectation that the confirmation of the President would not be explicit. Immediately on receiving from Hamilton a copy of his "memorandum" the President gave it the direction which had been anticipated, referring it to Randolph. Acting in concert with the opposition, he, on the same day, gave the following opinion—

"The seven first paragraphs appear unquestionable, so far as respects the President.

"I am extremely dissatisfied with the manner of the three last clauses. The first of these three, which is the eighth in order, states that he always had the President's sanction for disposing of the money as he did. So far he had the sanction—'I approve of it agreeable to law.' At first sight, it would seem, that the last line in the paper was tantamount to this idea, but the positive assertion, that your sanction was always given to the disposition, including the drawing of the money over here, implies, that you considered the act as lawful.

"Permit me to suggest this mode of answer, to be given *verbally*—'I have read the paper, but not distinctly recollecting all the circumstances, I can only say,—that I do not discover any thing which I am to object to, as to *myself*, unless the manner, in which you speak of my sanction in disposing of the Loans, implies that I meant to give an opinion how far it might or might not be lawful.—I presume, however, that you do not mean this, as you say at the close, that my sanction was always expressly or tacitly qualified with the condition, that whatever was to be done, was to be agreeable to the law. I imagine, that you sent me the paper, only to determine what related to myself; and therefore I did not undertake to judge of other parts."

Washington, though incapable of acting in conformity with such advice, had been induced to hesitate.

With the two-fold object of withholding from the Secretary of the Treasury the countenance of the President in a matter of such moment; and to prevent his being selected for the special mission to London, then in contemplation, it was important to keep up this hesitation.

With this view, the letters of Nicholas and of Monroe previously mentioned, both of this period, * were written.

On the day upon which the latter was received, the following declaration was signed by Washington and transmitted to Hamilton—

"I cannot charge my memory with all the particulars which have passed between us relative to the disposition of the money borrowed. Your letter and my answer which you refer to in the foregoing statement and have lately reminded me of, speak for themselves, and stand in need of no explanation.

"As to verbal communications, I am satisfied that

* April 6th and 8th.

many were made by you to me on this subject; and from my general recollection of the course of proceedings, I do not doubt, that it was substantially as you have stated it in the annexed Paper—that I have approved of the measures which you have from time to time proposed to me for disposing of the loans upon the condition, that what was to be done by you should be agreeable to the law. April 8th, 1794."

The obstacles interposed by Jefferson during the previous year to the President's sanction of a loan, advised by Hamilton, have been mentioned.

After the final approval given to it by Washington, and the explicit terms of that approval, Hamilton could not have anticipated a less decisive assent to the memorandum he had submitted to him.

Surprised and wounded at the terms in which this declaration was couched, he, the following day, wrote him this characteristic letter:

"Philadelphia, April 9th, 1794.—Sir: I have analized the declaration which you have been pleased to make upon the copy of the paper of the first instant delivered by me to the Committee of Inquiry into the state of the Treasury Department, and find, with regret, that the terms used are such as will enable those who are disposed to construe every thing to my disadvantage to affirm, . . . that the declaration of the President has entirely waived the main point, and does not even manifest an *opinion*, that the representation of the Secretary of the Treasury is well founded.

"To this it would be added, that the reserve of the President is a proof, that he does not think that representation true, else his justice would have led him to rescue the officer concerned, even from suspicion on the point.

"That this will be the interpretation put upon your declaration, I have no doubt; and, in justice to myself, I cannot forbear to make this impression known to you and to bring the declaration under your revision.

"I am the more certain, that this construction will be put upon the matter, from what has heretofore taken place. In the course of the discussion of the last session, an argument of this kind was, in private, urged against me . . . If Mr. Hamilton had really acted by the authority of the President or in due communication with him, would not the President take some method, either directly to Mr. Madison, or through Mr. Jefferson or Mr. Randolph, to make known to him, that this ground of accusation did not exist?—His not doing it, which may be inferred from Mr. Madison's arguing the point, is a proof that there was no co-operation on his part.

"In addition to this, I have learnt from an authentic source, that a particular gentleman, supposed to possess good opportunities of information, has intimated, in a manner to induce a belief of its having come from you, that it never was your intention, that any of the loans which were made should have had reference to the Act making provision for the 'Reduction of the Public Debt,' or should have been brought to the United States; and that you never knew any thing of the operation, while it was going on.

"Under all that has happened, Sir, I cannot help entertaining and frankly expressing to you an apprehension, that *false and insidious men* whom you may one day understand, taking advantage of the want of recollection, which is natural when the mind is habitually occupied with a variety of important objects, have found means, by artful suggestions, to infuse doubts and distrusts very injurious to me.—My consciousness of what has been the

real tenor of my conduct and my conviction of the fairness and rectitude of your mind compel me to this conclusion.

"Whether these men may have misrepresented any expressions of yours, or betrayed any declarations, which you may have made through want of recollection, you will best judge from what has been the conduct of particular individuals and from the insinuation which I have stated.

"Upon this, as upon every other occasion, my desire is to *encounter, directly and without detour*, whatever embarrassment may stand in my way. If, contrary to what I understood from Mr. Lear during the discussion of the matter in Congress, and inferred from the late conversations between us, the affair does not stand well in your mind, I request the opportunity of a full and free conference on the subject, to recapitulate and go over all the circumstances which have occurred, in the hope of recalling to your memory what may have escaped it, and with a wish to abide the result in an explicit form, that is, by a declaration which shall render the main fact unambiguous, or shall record the doubt.

"As, on the one hand, I expect, what is due to the situation, so, on the other, I seek no palliation of delinquency, no cover for any defect of conduct.

"The situation is indeed an unpleasant one. Having conducted an important piece of public business in a spirit of confidence, dictated by an unqualified reliance, on the one hand, upon the rectitude, candour, and delicacy of the person under whom I was acting; and, on the other, by a persuasion, that the experience of years had secured to me a reciprocal sentiment (whatever imperfections it may have otherwise discovered); . . and by the belief, likewise, that, however particular instances might be forgot-

ten, the general course of proceeding in so important an affair could not but be remembered, I did not look for a difficulty like that which now seems to press me. Knowing, too, that there existed in my written communications with the President (not only those which have been specified, but others) so many direct and indirect indications of what was truly the course pursued, I still less apprehended a difficulty of that nature when the occasion for explanation should occur.

"Not seeking to escape responsibility for any improper execution of the laws, if any has happened—I did not imagine that want of intermediate authority from the President, to do what they would justify would be suffered to remain (the appeal being made to him) a topic of objection to my conduct.

"In the freedom of these remarks, I flatter myself, sir, that you will perceive nothing but that just sensibility that a man of honor who thinks his veracity is exposed to question, ought to feel; and that you will be persuaded I continue, as yet, to retain undiminished that respect which a long established conviction of the existence of an upright and virtuous character ought to inspire.

"With this sentiment I have the honor to remain, sir, your most obedient and humble servant."

The course of this matter demands a review of the grounds on which Hamilton's statement was made.

In his earliest action upon this subject, in a report made by him to the President in August, seventeen hundred and ninety, founded on a letter from the American bankers in Holland of the twenty-fifth of January previous, he observes: "If these reasons appear to the President sufficient to induce his sanction to the loan in ques-

tion, it will remain to consider, under *what act* it will be most expedient to authorize its being made, whether that of the *fourth* or that of the *twelfth* of the present month, or whether it may not be advisable to authorize it, *partly under one, and partly under the other.* It is conceived," he says, "the business may easily take the *latter form*, if deemed eligible; and this is recommended by the consideration, that it will contribute, in a degree, to all the purposes required to be promoted," * which purposes are stated.

Acting upon this latter view, the general power to borrow authorized the loans to be made "by virtue of the *several acts*"—one, making "a Provision for the debt," the other "for the Reduction of the debt." The instructions accompanying this power refer "to a sum or sums pursuant to the *several acts*, not exceeding, in the whole, fourteen millions of dollars. These instructions were *approved* by the President on the twenty-sixth of August, seventeen hundred and ninety. The original *contracts* with the bankers were *expressly* made on the authority of these "*several acts.*" They were submitted to the President for his ratification, were *by him* transmitted to Jefferson, *who prepared* the instruments of ratification, which *recite* the *contracts*, were *signed by the President*, and *countersigned* by him, as Secretary of State.

On the tenth of April, † seventeen hundred and ninety-one, the Secretary of the Treasury advised the President of a recent loan in Holland, stating his intended application of *one-half* of the amount to the payment of the *French debt*, and of *the other half* to the *purchase* of the *Domestic debt*, adding, "on this point, I also request your direction."

* Hamilton's Works, iv. 14.

† Hamilton's Works, iv. 149.

On the seventh of May * following, the President answered in these explicit terms, "Considering that the loan has been obtained on the best terms practicable, and that *its application, in the manner you propose will be the most*

* In reference to this letter, MADISON, founding his statement on two letters (of the 9th of July and 8th of August, 1811) from E. Randolph to himself—one, asserting that the President at first denied the letter, having preserved no copy—but "that it was afterwards acknowledged by him and registered in the Treasury Department," the other, averring that the President mentioned the letter to him with surprise and passion, declaring, that "he never did write or cause to be written letters to that purport;"—but that he afterwards, on receiving the letters from Hamilton, gave him instructions "avowing them," makes this comment in a paper preserved for posterity:

"The communication in these letters is to be ascribed to the friendly feeling of the writer to J. M., who had taken an active part in the discussions produced by Mr. Giles's resolution. The second letter was written, *in consequence of an intimation*, that from an inquiry at the Treasury Department, it did not appear, that any such paper as that described had been deposited there.

"The inference from the whole seems to be, that the Secretary of the Treasury must have prepared, as was not unusual with Heads of Departments, and forwarded to the President, letters to be signed by him;—that the President *in the hurry of a journey*, and regarding them as fiscal operations—merely requiring his formal sanction, signed and returned them, *without even particularly attending to or charging his memory* with them; and that the Secretary of the Treasury, aware that this might be the case, forbore to avail himself of the document he possessed, or to involve the President in the responsibility he was willing to take himself." He adds,—in order to give an appearance of candor to this statement, that Randolph was "a dismissed Officer" and wrote him "subsequent to a paralytic stroke,—greatly enfeebling his mind." "But there was reason to confide in his declaration, that he retained no feeling as a partisan, and the tenor of his letters indicates no incompetency to the task assumed in them. The explanatory facts stated carry indeed the greatest probability on the face of them."

This narrative was written within a few years after Hamilton's decease by Madison (delighted at the time, with the character of Washington's statement) † and busy collecting materials prejudicial to his fame. The informa

† Madison to Jefferson. April 14, 1794.

advantageous to the United States, I do hereby signify my approbation of what has been already done, "as communicated in your letters of the 11th and 14th of April, assenting to the *further* progress of the loans as recommended by you in these letters. I request that instructions may be given for completing them *agreeably* thereto."

Powers to the Commissioners and to Short "agreeably thereto," were prepared by Hamilton; were submitted to Jefferson, and were sanctioned by the President. *

tion sought by him from Randolph to impeach Hamilton's fame, it should not be forgotten, was sought by the then President of the United States, not merely from a paralytic, but from a person at his mercy—a reported defaulter —another feature in this picture will be remarked—the last note ever addressed by Randolph to Hamilton is in terms of high respect. It speaks of the "sense he had ever entertained of his disinterestedness." Its value may be estimated from these simple facts—Hamilton announces to Washington the 10th April, 1791, advices from Short of Dec. 2d previous, of a loan effected, and his intention to submit to the Vice President and to the Heads of Departments the question, "how far the case was within the purview" of his letter. On the 14th of the same month, he sends him a copy of his letter of the 10th April and of that of Short; and states, that the Vice President and Heads of Departments had *unanimously* advised him to instruct Short to proceed "to open a second loan." *On the 7th* † *May*, following, Washington writes from Charleston the letter to Hamilton, of which the genuineness is questioned by Randolph, and its value as an authority impeached by Madison. That letter distinctly and clearly refers, with Washington's cautious particularity, to "the statement of Short, as the basis of the proceeding which he sanctioned;—and, on *the 17th of June* following, the President addressed a letter to Jefferson from Mount Vernon in these words—"By the last post from the Southward, I received your letters of the seventeenth and twenty-fourth of April with their inclosures. In a letter of the *seventh of May*, which I wrote to the Secretary of the Treasury from Charleston, *I expressed my approbation* of what he informed me had been determined by the Vice President and the Heads of Departments relative to Mr. Short's negotiation at Amsterdam, and the future progress of the loans in Holland."

* Aug. 26, 1791—Hamilton sent the drafts of these powers to Jefferson,

† Hamilton's Works, iv. 156.

An equally explicit sanction was given on the *ninth* of *May*, seventeen hundred and ninety-two, in a power executed by the President, authorizing the Secretary of the Treasury to apply two millions, the proceeds of *either loan*, to the subscription to the Bank.

On the *sixth* of *June*,* seventeen hundred and ninety-three, Washington makes two inquiries—the second, "*under which* of *the two laws* do you propose that a loan should be opened."

On the fifteenth of that month,† Hamilton replies "In answer to the second question—that it would be in his opinion expedient, for the reason which has governed hitherto,—the convenience of which has been fully *experienced*, namely, *the power of applying the fund to the purposes of either law, according to circumstances*, that the proposed loan should be made upon the *authority of both acts*, and not upon the *separate authority of either of them*."

Having received from Hamilton, on the twenty-fourth of June,‡ a statement of the application of the whole of the moneys borrowed under *the two acts*, Washington wrote to him on the twenty-seventh of the following month thus:§ "After giving the subject of loans the most attentive consideration I am able, under the *several explanations* which have been required and received from you, my mind has resolved itself into the form of the inclosed paper." This paper authorized a loan, for the balance not borrowed, *on each act*, but gave no direction for the *separate application* of the money. The mode of borrowing, and the application of the moneys

"to possess the Secretary of the State fully of the nature of the *powers* and *course* of the *transactions* in *both* cases," being the *two* loans in Holland.

* Hamilton's Works, iv. 419.

† Ibid, 427.

‡ Hamilton's Works, 436.

§ Ibid, 453.

previously borrowed "without distinction" was left uncontrolled.

These facts are decisive—There had been no want of special authority—nor had that authority been in any instance exceeded. The act of the twelfth of August seventeen hundred and ninety expressly directed the appropriation of two millions of dollars to the reduction of the domestic debt, by purchases. That sum was therefore intended to be drawn into the United States. Though a larger sum had been drawn into the Treasury, it was known, that the excess had been applied to the discharge of the debt to the foreign officers,—to the debt to France, and to a remittance on account of the Dutch debt.

With such testimony—and with such deliberate sanctions given by the President, during four successive years —to establish the correctness of Hamilton's procedure, there can be no surprise at the apprehension he avowed to Washington "that *false* and *insidious men*, whom you may *one day* understand, had found means, by artful suggestions, to infuse doubts and distrusts very injurious to him." That day was not distant.

In answer to the next inquiry, as to the time when these drafts were first communicated to the House, Hamilton adverted to the Speech delivered by the President in seventeen hundred ninety: to a report made by him in conformity with it, showing a contemplated draft; and to an act of Congress approving it;—subsequent to which period, other reports, acts, and resolutions to the same effect and equally explicit, were made.

The whole course of the proceedings in relation to these loans was next given. It showed a positive gain to the United States, by the application of them, in addition to the vast general benefit in the reduction of the debt and in raising the value of the public funds; exhibiting

the least possible delay in the employment of the proceeds of them, and the correctness and liberality of the transactions as to the French debt;—payment of part of which could not *have been anticipated*, without the operation, for which he was thus groundlessly inculpated.

The *fifth* and last point, as to which the Committee were instructed to report, was as to the whole amount of the existing debt of the United States distinguishing the domestic from the foreign debt; specifying the amounts of the domestic debt bearing the respective interests of six and three per cent.—the amount of the deferred debt —the increase or decrease of the whole debt of the United States—and the operation of the sinking fund to the end of the year seventeen hundred and ninety-three.

The whole debt was estimated on the first of January, seventeen hundred ninety-four, a little to exceed seventy-six millions of dollars,*—of which the foreign debt was fourteen millions and a fraction. It appeared, that payments exceeding one million of this debt had been made on account of the late Government;—that the debt had been *increased* by recent credits at the Treasury of more than three and an half millions for balances due to creditor States on the final settlement of accounts;—that it had been *reduced* by the operation of the Sinking fund nearly two and a quarter millions; and that there remained as offsets to it in different sums, nearly four millions and an half. This shows an actual reduction of the debt of three and an half millions of dollars in three years, notwithstanding the extraordinary expenditures for the Indian Wars, and those unavoidably incident to the establishment of a new system of Government.

This document closed with a statement, made by the Committee, at the request of the Secretary of the Treas-

* $76,822,842 38-100.

ury, "that it appears from the affidavits of the Cashier and several Officers of the Bank of the United States, and of several of the Directors, the Cashier and other Officers of the Bank of New York, that the Secretary of the Treasury never has, either *directly* or *indirectly*, for himself or any other person, procured any discount or credit from either of the said Banks, upon the basis of any Public moneys which at any time, have been deposited therein under his direction; and the Committee are satisfied, that *no moneys* of the United States, whether before or after they have passed to the credit of the Treasurer, have ever been, *directly* or *indirectly used for* or *applied* to any purposes, but those of the Government, *except*, so far as all moneys deposited in a Bank are concerned in the general operations thereof."

On the ninth of June Congress adjourned.

A more triumphant result could not have been desired.

This report not only established the spotless purity of Hamilton's official conduct, but bore abundant testimony to his scrupulous obedience to the laws—to his vigilance over the public interests—to his enlarged views, and the beneficial effects of his well matured and comprehensive system. It was signed by Baldwin and was accepted without a dissenting voice in Congress.

Boudinot wrote him, "After passing through a fiery ordeal I suppose you have a few moments to breathe a milder air. The part the Country in general take in your triumph over the envious and malicious enemies to the government, as well as yourself, must convince you, that the influence of these *beings* extends but a little way out their own selfish narrow circle."

Two letters written from Virginia are also preserved.

"Accept, I pray you, my dear friend, of my sincerest

congratulations on your second and complete triumph, over the invidious persecutions of a base faction. The Report of the Committee of Congress has turned out precisely as your friends here had predicted. 'The more you probe, examine, and investigate Hamilton's conduct, Rely upon it, the greater he will appear.' But it was a cruel thing in Congress and somewhat unprecedented, I presume, to oblige your PERSECUTORS and PROSECUTORS to sit as your JUDGES, and what was more ill-natured, to compel them to make a *report* by which they were obliged to *convict* you of purity of conduct, unshaken integrity, and a constant watchfulness over the public interest." * "The people will find that an able, faithful servant, has been vilely slandered and most cruelly calumniated."

"I can assure you," Colonel Carrington wrote from Richmond, "I can assure you, that your enemies are much less loquacious on the subject than they were. There having been pretty confident assurances made, that the issue of the inquiry would consign the Secretary of the Treasury to infamy, expectations have been so fixed on that object, that the disappointment is by no means unnoticed.

"The manner in which the renewal of the business came forward, and the very long and deliberate course which it was suffered to take, in the hands of the accusers themselves, give the issue its best effect."

"Let not the illiberality with which you have been treated, deprive the public of your services, at least until the storm which hangs over us, and is to be dreaded, no less from our own follies and vices, than the malignance

* Col. Heth to Hamilton July 6, 1794. Hamilton's Works, v. 596. Higginson wrote: "I congratulate you upon the report relative to your Department. Giles, I think, must feel very much mortified, and his constituents cannot be gratified at seeing him placed so far in the back ground."

and intrigues of foreigners, blow over. It is true, you have been abused, but that has been and still is the fate of him who was supposed out of the reach of all slander." *

* In the Life of Jefferson, i. 404, by George Tucker of Virginia, this paragraph is found: "As the irregularity in deviating from the acts which authorized the loans and from the President's *written instructions*: in drawing more money from Holland than those acts authorized; and in failing to inform the Commissioners of the Sinking fund of what he had drawn, appear by the debate and the *Secretary's own report, to have been established beyond question*, it may be presumed, that those members of the minority, who refused to vote for the resolutions, were influenced by the consideration, that the public generally had regarded them as a charge on the Secretary's integrity;" and that a vote of censure "seemed disproportionate to the offence of too free an exercise of his discretionary power," &c. The prevalence of an opinion is then stated, "that favour to the Bank had been at the bottom of all the irregularities complained of, from the fact, of the aids derived from the Bank from those drafts, and from the proposition to pay to the Bank two millions, ten years before the whole was payable."

The comments to which these statements give rise are—

1. That this irregularity *does not appear* from the Secretary's own Report to have been established. Though charged by Findley and others in debate, it is *explicitly contradicted* and *wholly disproved*.

2. Had any doubt existed on this subject during the first inquiry into the conduct of the Treasury, it is completely dispelled by the result of the second inquiry, every transaction as to the loans having been shown to have received the sanction of the President.

3. The evidence of favoritism in proposing to pay to the Bank its two million loan consisted in a proposal to substitute for a loan bearing an interest of *six* per cent. one at *five* per cent.

It will also be remarked, that, while the author of "The Life of Jefferson" dwells on the result of the *first* inquiry and seeks to impair its force, he omits all mention of the *second* and of its result!! He also in his preface (p. 15) states, "Many of the most interesting facts were derived directly from him," (Madison) "and nearly the whole of the first volume was submitted to his inspection, and received the *benefit of his correction* as to matters of fact." It might be offered in excuse, that this second inquiry took place, after Jefferson's retirement from the government. But this excuse, were it of any value, will not avail, as Hamilton's letter to the Speaker of the House of Representatives, asking the inquiry from which this vindicatory result flowed, was writ-

ten and received by him, previous to Jefferson's resignation—namely, on the 16th of December, 1793.

Randall, ii. 119, states "the three first of these charges, in their literal import, admitted of no denial—they were *established* by the Secretary's own answers to the House."—This statement refers to the proceedings on the first inquiry.—The result of the second inquiry is *not mentioned* by him in its place, and, if by him or by Tucker, *elsewhere*, has escaped observation.

CHAPTER CIX.

The pernicious influence of Jefferson had been felt in every department of the Government; and the careful student of American history will find that to him may be traced every heresy which has infected the counsels of this country.

The jealousy he excited against the Military establishment had protracted the sufferings of the frontier; and, while it weakened the arm, increased the expenditure of the nation.

His hostility to the Secretary of the Treasury, but for Hamilton's superior weight with the Legislature, would have denied to it the necessary resources. His clamors against the Fiscal system had encouraged discontents, which were ripening rapidly into Rebellion; and the embarrassments he interposed to the operations of the Sinking fund had interfered with the reduction of the debt.

His opinions as to the foreign policy of the United States, had they prevailed, would have exerted a not less malignant influence on the destinies of this people. Here and there, some advocate may be found seeking to exhibit him as the friend of Neutrality, but his often avowed opinions and his successive acts all bespeak him the partisan of France.

Those opinions gave to her an undue importance in the estimation of this infant country, and those acts tended to involve it, as a dependent ally, in the great conflict which was convulsing Europe—an alliance the most injurious and unnatural,—for what greater contrast could be presented, than the despotic anarchy of that mighty, and then rapacious power, compared with the prudent moderation which belonged to the American Republic. It would have been the alliance of chaos with order.

Jefferson's retirement from office was a source of great gratification to many of the most sagacious statesmen. They hoped increased stability in the Administration. But he had considered well the consequences of every movement that he made. In presenting to Washington, Randolph as his successor, he felt assured that his party would encounter in him no serious obstacles to its policy; and might profit by the influence he enjoyed, flowing from the personal attachment to him of the President.

With such a person as the medium of communication with foreign powers, with a hostile majority in the popular branch of the legislature—with a large division of the people, sympathizing with France, and stimulated in their hostility to Great Britain by her aggressions, Hamilton's position was environed with difficulties. These difficulties he had thus far surmounted. His policy had essentially prevailed, though marred, in its bold symmetry, by unavoidable concessions.

The opponents of the Government had claimed an exclusive title to the public confidence, they had lured the people into the expectation, that their ascendency in the House of Representatives would unfold the abuses, and terminate the imputed evils of his system. Yet a Session of Congress had passed; and, notwithstanding the most

persevering efforts, not a single instance of corruption or of mismanagement was discovered. The calumnies with which the Secretary of the Treasary had been pursued during the whole of his official career were refuted, and his accusers had been compelled to award to him, by an unanimous act, instead of ostracism, an ovation.

Nor was this his only triumph. Peace had been preserved; and although the future was uncertain, yet the Nation was shown, that every mean had been suggested, consistent with its honor, to avert, and, if unavoidable, to prepare for war.

In despite of the efforts of the opposition—the larger representations of the people had confirmed the existing establishments. Instead of theoretical innovations upon the Fiscal system, auxiliary funds had been granted to meet emergencies; and to provide for the balances due to the Creditor States, thus finally to discharge the debt of the Revolution. The departure from law and from usage which confided to a Committee of the House, the digest of financial measures, instead of requiring them from the officer, who was responsible for their execution and their success, had neither resulted in the benefits nor in the changes anticipated. There had been deviations, but they were such as would necessarily attend the interference of a numerous body with the comprehensive, and matured economy of a single head of the Fiscal Department.

Though, in the propositions and discussions of Congress, there was much to censure; yet the final legislation, through the controlling influence of the Senate, had been wise. By one Statute, a tribute had been paid to the kindred obligations of humanity which compensates many errors. Acting in the spirit of the Federal Constitution, which proscribed, after a specified period, the in-

troduction of slaves into the United States, a bill was passed, immediately prohibiting the slave trade, and thus originating that benevolent policy which marks a conspicuous era in the history of the human race.

The issue of the recent investigation into the conduct of the Treasury Department removed one great obstacle to Hamilton's retirement from the Cabinet. But the events which had occurred since he intimated that intention, had changed his views. These were announced to the President.

"PHILADELPHIA, May 27, 1794.—SIR: I some time since communicated an intention to withdraw from the office I hold, towards the close of the present Session.

"This I should now put in execution, but for the events which have lately accumulated, of a nature to render the prospect of the continuance of our peace, in a considerable degree, precarious—I do not perceive, that I could voluntarily quit my post at such a juncture, consistently with considerations either of duty or character, and therefore, I find myself reluctantly obliged to defer the offer of my resignation.

"But, if any circumstances should have taken place in consequence of the intimation of an intention to resign, or should otherwise exist, which serve to render my continuance in office, in any degree inconvenient or ineligible, I beg leave to assure you, Sir, that I should yield to them with all the readiness naturally inspired by an impatient desire, to relinquish a situation in which even a momentary stay is opposed by the strongest personal and family reasons."

Washington replied:

"The communication which you made, to me some

time ago, of your intention to resign, and to which you refer in your letter of the 27th instant, received yesterday afternoon, I always considered as depending upon events. Of course nothing has been done by me to render your continuance in office inconvenient or ineligible.

"On the contrary, I am pleased that you have determined to remain at your post until the clouds over our affairs, which have come on so fast of late, shall be dispersed."

The pending difficulties with Great Britain, were not the only causes that prompted Hamilton's determination to remain in office.

The wild anarchy excited by the leaders of the Democratic party was now inflamed to a degree that threatened the stability, perhaps, the existence of the Government; and he felt there would be required all the constancy and energy of his character to confront and to subdue it. He was convinced, that the rebellious temper, which had been excited in the interior of Pennsylvania, and which extended to Maryland, Virginia, and North Carolina, was not merely directed against the Excise laws, but that it was part of "a general explosion" long maturing, and menacing the integrity of the Union. A great crisis was approaching.

In a system of Government like that of the United States, there are few efficiently operative checks. With a Senate so constituted and of such little permanence, great as are its constitutional attributes, all power tends ultimately through the popular branch of the legislature, to the President.

Is he a favorite of the people, his influence will overrule the law. Is he unpopular, he is too feeble to sustain it, and is cast aside for some successful demagogue. Is he bold and unscrupulous, he exerts the will of a despot,

and appeals to the passions of his constituents to sanction his usurpations. Is he a man of calculation, he resorts to artifice, and governs by corruption.

Hence it is, that the welfare of a people under such institutions is perhaps more, than in those of any other limited government, affected by the personal character of their chief; and the tendency of his situation is to pervert that character. The ambition of governing well is too often sacrificed to a sense of insecurity; and those elevated motives of action which are connected with the future give place to overwhelming considerations of temporary, personal advantage.

The virtues of Washington shielded him from the seductions of power; and his great popularity, was exerted, not to excite, but to restrain the people. He seemed unwilling to discover the extent of Executive influence which that popularity conferred; and his fear to transcend the Constitution, was only less than his determination to defend it.

This was well understood by the opposition. While clamoring against the alleged usurpations of the Executive department, it was their policy to keep up a constant excitement in the public mind, to stimulate the discontented to acts which required a vigorous exertion of the power of the nation, and to withhold the means of rendering that exertion efficient; to impute the public disorders to the public distrust, and to excite that distrust by the continued assertion, that those disorders had been produced by the Government, in order to furnish a pretext for the encroachments it meditated upon the liberties of the people.

That this policy should be successful, it was deemed necessary to disturb the repose of every part of the United States, and of every class of the population

Along the seaboard, the seamen of New England and of the Middle States, now land-locked by the Embargo—were seen roaming in lawless bands, exciting the maritime population at the wrongs they had suffered from Great Britain. In Virginia, meetings were held, and juries were heard to recommend the suspension of the collection of British debts,—until the national injuries were redressed.

As though the public mind was not in sufficient commotion, the Democratic Society of Philadelphia,—the Parent Club—assembled, and issued an inflammatory address calling upon their fellow citizens again "to fraternize in the cause of Liberty, to associate in political societies for union and watchfulness." "This and this alone," they proclaimed, "will give us happiness and security, while division and supineness will hurry us into the arms of tyranny. Let it not be said, that Americans had energy to contend for freedom, but that they wanted firmness to preserve it;—that they saw danger in British despotism, but that *domestic domination* carried no cause for alarm."

This Address was circulated throughout the Country; and far and wide along the Atlantic, and from the depths of the interior were heard, from the affiliated associations, their answering alarms.

The rapid spread of discontent proves the vitiated state of the popular feeling, habituated to excess, and seeming to loathe the lavish prodigality of blessings pouring in upon them.

It was not possible that these stimulant appeals could be continued long without producing overt acts of insubordination. These were seen in the eagerness with which the hostile expeditions of Genet had been joined; in the wanton warfare waged to dispossess the Indians of their

territory; and in the violent resistance to the collection of the internal Revenue.

The progress of these Expeditions and the efforts made by the Administration to suppress them have been stated. Hopes were indulged, that, having been disavowed by the successor of Genet, they would be abandoned; but just before the rising of Congress, intelligence was communicated to it by the President, that new supplies of money had been received through a Frenchman; —that artificers for the expedition to descend the Mississippi to New Orleans had resumed their labors; that persons holding commissions as officers had sold their property at auction;—that subscriptions to provide ammunition were raised in Lexington;—that the measure was openly advocated, and that the President's proclamation forbidding it, had been suppressed.

Information from the South also showed a similar movement in that region. A plan had been discovered, which was concerted between a seditious person and Clarke, the agent of Genet, for an attack upon Louisiana —which plan had been transmitted to Thomas Paine in Paris, whose reply was inclosed in the dispatches to the French Minister at Philadelphia!

It has been seen, that the motion of the Senators of Kentucky impugning the conduct of the Executive in the negotiations with Spain, was referred to a Committee of the Senate. This Committee, after full deliberation, reported, that in that negotiation the right to the navigation of the Mississippi had been well asserted; that the claim for its enjoyment was pursued with all the assiduity and firmness which the magnitude of the object demands; and would be pursued until attained, unless adverse circumstances rendered it impracticable; that Congress ought not to interfere. But, to satisfy the citizens of the

United States, the President was requested to disclose to the Executive of Kentucky such parts of the negotiation as he should deem advisable.

Within a week after the adoption of this Resolution, a Convention was assembled at Lexington, at which Resolutions were passed, and a Remonstrance was addressed to Congress, indicative of the existing excitement. Professing to speak in the name of "Western America," they denounced the whole government of the Union; declared that their tardy and ineffectual negotiations had been veiled with a mysterious secresy; stigmatizing the recent appointment "of the Enemy of the Western Country to negotiate with Great Britain, and the tame submission of the General Government." This offensive remonstrance was answered by a Resolution that Congress ought not to act upon it.

The tone of this Memorial indicated the necessity of vigilance; and instructions were transmitted to General Wayne, regardless of a technical opinion of Randolph, * to have a careful surveillance of the projected expedition upon New Orleans.

Hamilton, impressed with the menacing aspect which the interior of the Country was assuming, was in the mean time reflecting on the best mode of providing for the contingencies he apprehended would arise. He had brought this subject before the President in a letter † which stated at large the motives and the authority under which he had proceeded as to the former loans and proposed that the instructions in reference to the application of the last loan in Holland should be varied. "The proposition in my Report of the fifteenth of June,"

* Hamilton's Works, iv. 344. March 11, 1794. Misprinted 93.

† Hamilton's Works, iv. 540. Ap. 25, 1794.

he observed, "was that the proposed loan should be made upon the authority of *both acts*, and the letter of the President just mentioned, precisely declares he did not intend by separate instructions to prevent the loans from being carried on, *without distinction*, in Holland." No new powers had been sent, but an *additional instruction* was sent to make a loan on the basis of the former powers, which "made no special reference to either act, but left the matter to proceed, as before, *without distinction*. The consequence will be, that the loan, as in all preceding cases, will be founded on *both* the acts. I send for your inspection all the contracts heretofore made, as the evidence of what will be the form of the one not yet forwarded; all of which expressly and indiscriminately refer to *both* the acts. The inference is, that according to the contract itself (the formal obligatory act), the loan will be placed upon the joint foundation of the two acts, equally applicable therefore to the purpose of either." He added, that it had not yet been carried in the records of the Treasury to the account of any particular appropriation,—and therefore the application rested within the discretion of the President.

He represented, that the state of foreign affairs forbade a reliance on Loans abroad; and that the situation of the country was such, as probably to call for all the aid of Domestic Loans; that their security and credit were of more moment, than the savings by the investment in purchases of the debt. Though he felt, both from considerations interesting to his own reputation, and to the public interests, the advantage of extensive purchases (of the debt) at the existing juncture; and though he contemplated them gradually and circumspectly, yet he preferred "at the hazard of some criticism to waive or defer an advantage inferior in magnitude rather than

incur a probable risk of disadvantage of much greater magnitude."

Randolph advised the President, that he could not change the destination of this fund from that for which he had directed it to be borrowed, the purchase of the Debt.

The President then proposed, that the question should be referred to Congress, but no reference was made. Hamilton dissuaded it for the reasons, that "much debate would ensue, and perhaps no decision;" and as the expedient would be thereafter practicable, if necessary.

Reasons were soon after given by him for deferring to raise a Loan of a Million of Dollars, recently authorized to be applied to the foreign intercourse, growing out of the terms of the act under which it was to be made, evincing, on his part, the most scrupulous caution. Numerous other Reports were made by him at this time, of which a list only remains, they having been burned in the destruction of the Treasury buildings. This list also refers to a variety of Circulars relating to the collection of the Revenue. Some of these give evidence of the promptitude with which he called on the Chief Magistrate to displace officers who had failed in the performance of their duties.*

He was also at this time engaged in a correspondence,

* "TREASURY DEPARTMENT, Feb. 10, 1794.

"SIR: The enclosed letter of the 27th of last month, from the collector of Tappahannock, relates to a subject equally delicate and disagreeable. It is my duty to add, that bills have returned protested to the amount of $3000.

"This conduct, though I trust proceeding from no ill motive in the collector, is of a nature so fatal to the punctual collection of the Revenue, and at the same time so vitally injurious to the public credit, that I cannot forbear to submit it as my opinion, that the public good requires the superseding of the officer.

"With perfect respect, &c.,

"ALEXANDER HAMILTON.

"To the President of the United States."

and in giving instructions for the purchase of materials for building a Navy. His attention was likewise called to other subjects of much moment. The communications between the British Minister and Randolph had reached an alarming point. The former had little command of temper, and the latter was disposed to give frequent causes of irritation. At this moment, Hammond applied for the decision of the Government as to compensation for some British vessels, which had been captured by French privateers fitted in American ports.

It has been seen, that, in the first discussion of this subject in the Cabinet, Hamilton urged that compensation was due, and ought to be promised; and that Jefferson and Randolph being opposed, no such assurance was given; that at a subsequent period, it was resolved unanimously, after reconsideration, to give this pledge as an equivalent for an actual restitution of the captured property; which pledge was given, in the form, that "such was the opinion of the President."

The question now arose upon an inquiry whether this was embraced in the instructions to Jay. Hamilton advised that such compensation should be promised by Jay, founding this advice on the reasons he had given when the question first arose.

The President stated, that originally it was his opinion, that it was incumbent on the United States to make compensation, but that Randolph thought that he could not by treaty bind the United States absolutely, as the Constitution forbade money to be drawn from the Treasury, except in pursuance of a law; and, if compensation were promised, that it would be a precedent for binding the nation by treaty to pay money, which the Legislature might hesitate to grant.

Hamilton then addressed a letter to Washington in

which, he observed, with great foresight, "Besides the reasons hastily sketched in the memorandums given to the Secretary of State, there is one of a delicate nature, which I did not think fit to put in a paper which might become a public document, but which I think ought to be submitted to your consideration.

"Though the form of only giving the *opinion* of the President, that it was *incumbent upon* the United States to make compensation in the case, had been used; yet between nation and nation this is equivalent to a *virtual* engagement that compensation will be made; and we were *all* sensible, in advising the President to give that opinion (which advice was unanimous*) that a non-compliance with it would be a serious commitment of the character of the nation, the government, and the *President.* Indeed, if the Legislature should not do its part under such circumstances, it would necessarily give birth to considerations very embarrassing to the delicacy of the President.

"In such a posture of things, is it not advisable to narrow the obstacles to a right issue of the business? If Mr. Jay is instructed to insert a formal *stipulation* in a general *engagement*, the Senate will only have to concur. If provision is to be made by law, *both Houses* must concur. The difference is easily seen. And it is a case where the *point of honor* is too materially concerned, not to dictate the expediency of leaving as little to hazard as possible upon the issue. It is impossible that any question can arise about the *propriety* of giving this course to the business.

"When we are demanding compensation for our captured vessels and goods, it is the simplest thing in the

* "Finally."

world to stipulate compensation for those of Great Britain, which we acknowledge to have been unlawfully made within our territory, or by the use of our means. It is also with me a material consideration, that the coupling this with the other objects of Mr. Jay's negotiation may tend to disembarrass in future. If the compensation we seek fails, it may be a good answer to the claim on the other side, that they were endeavoured, without success, to be made a subject of reciprocal stipulation. I speak with reference to the Individuals concerned. I may perhaps be too *nice*. But this is one of those questions, on which ideas of *sincerity and good faith and honor* in a relation which must always engage my particular solicitude, press my judgment to a course of proceeding which is calculated to dispel all doubts."

The President's view was, that, as Congress, to which it had been referred, did not act upon it, and as it was within the powers of Jay, no further or more pointed declaration should be, at that time, made to the British Minister;—that his understanding of the original communication differed widely from Hamilton's; that his pointed desire was, that the expression "might be so guarded as to convey *nothing more* than an *opinion* of the Executive," which ought to have been confirmed by the Legislature; and although the usage of other nations may be opposed to this practice, the difference may result from the difference between their Constitutions and ours, and from the prerogatives of their executives.

"The powers of the Executive of the United States are more definite, and better understood, perhaps, than those of any other country; and my aim has been, and will continue to be, neither to stretch nor relax them in any instance whatever, unless compelled to do it by

imperious circumstances." He thought the matter had better remain on the footing on which it then stood. This view was subsequently relinquished, and Hamilton's adopted.

A proposal was, at this time, made by Randolph to the President to institute a mission to Europe to concert the co-operation of the American Navy with that of Denmark, for the defence of neutral rights, to be subject to Jay's discretion. The institution of a mission for such a purpose at the moment a negotiation was opened with Great Britain would have been made known indirectly to her government. Its intent was obvious. Hamilton opposed it, and the idea was abandoned. It was then brought forward in a different form,—that of instructing Jay eventually to establish by Treaty, a concert with Sweden and Denmark for the same object.

Hamilton dissuaded the measure. His views were, that "The United States have peculiar advantages from situation which would thereby be thrown into common stock without an equivalent. Denmark and Sweden are too weak and too remote to render a co-operation useful; —and the entanglements of a Treaty with them might be found very inconvenient. The United States had better stand upon their own ground. If a war on neutral rights should take place, common interest will probably secure all the co-operation which is practicable, and occasional arrangements may be made. What has been already done in this respect appears, therefore, to be sufficient." "His impressions had varied, but this advice was the final result of full reflection." It was not embraced in the instructions to Jay.

Some time after, the attention of the President was called by Hamilton to certain French privateers lying in

the ports of the United States. He advised that a communication should be addressed to the French minister; which he subsequently framed.

The President returned to Philadelphia, after a brief absence, when Hamilton asked his permission to make a short excursion. He replied,* "I am sorry to hear that your little son continues indisposed and wish you to carry him into the country for a few days, if it is conceived that exercise and change of air would be of service to him.

"Before you go, or as soon after as convenient, I should be glad to receive your opinion on the *Kentucky and Georgia* business, both of which have been communicated to you by the Secretaries of State and War, or one of them, according to the information I have received.

"I sincerely wish that the excursion you propose may have the desired effect. P. S. Have you draughted any answer yet to the letter of the Marquis of Lansdown to me, introductory of the Bishop of Autun."†

Previous to his departure, Hamilton wrote to the President. As to the proceedings in Kentucky, he advised, unless the Attorney-General was of the opinion that they furnish indictable matter, that nothing could with propriety or utility be done;—but, if indictable, that it was very material, that prosecutions against the ostensible and leading characters be instituted.

With regard to Georgia, that the Governor be urged to suppress—by military coercion, if necessary, the establishment proposed to be made, at the expense of the

* July 11.

† Talleyrand had recently arrived in the United States, and had requested the Secretary of the Treasury, to whom he had been particularly recommended, to obtain an introduction to the President.

The delicacy of the relations which then subsisted between France and the United States appeared to interpose obstacles to his reception, and the request was refused.

United States;—that the Creek nation be apprised of the information received, and assured, that the United States will co-operate with them to prevent the intrusion, and afterwards to dispossess the intruders;—suggesting, that this might induce them to run the line of the last treaty; and that the matter be informally mentioned to the Spanish commissioners, expressing the disapprobation of the government and its intention to exert all the means in its power to frustrate the enterprise. After an absence of twelve days, Hamilton returned to Philadelphia.

The force under Wayne was sufficient to check the expedition from Kentucky—but his interposition was soon rendered unnecessary. Spain withdrew from the coalition against France, and the contemplated invasion of Louisiana, to the command of which Genet had been appointed with discretionary powers, was abandoned.

The energy of the Government of South Carolina had disconcerted the operations which were undertaken at the instigation of France against Florida; and within that State no further measures were in progress. But supplies of money were soon after received by her partisans in Georgia, who again were seen collecting their adherents.

Unable to comprehend, from past events, any other purpose in these military combinations, than their own destruction, the warlike Creeks began to prepare anew for a contest which the interposition of the Federal government had recently prevented, and there was every reason to believe that a general Indian war would break out with all its horrors. This probability was increased by the conduct of Clarke, late a major-general in the Georgia militia—the leader of the French expedition.

Uncertain when to proceed in that object, unwilling to disband the small force he had gathered, and eager to

possess himself of their territory, Clarke encamped his party on the south-west of the Oconee, within the Indian limits. A proclamation, forbidding this encroachment, was issued by the Governor of Georgia. Clarke, confiding in the concurrence of his fellow-citizens, voluntarily surrendered his person into the custody of an officer of one of its Superior courts. He was discharged by the unanimous consent of his Judges, in violation of the laws of that State, and of an Act of Congress passed for the protection of the Indians.

This fact was made known to the President, who was informed, that it was part of a project to establish an Independent government in the territory belonging to the Creek Indians, and of erecting forts from the Oconee to the Ocmulgee.

Instructions were immediately issued to the Governor of Georgia by the Secretary of War, directing him to warn these disturbers of the peace, that their attempts would be repelled by military force; to embody the militia; and to call upon the commanding officer of the Federal troops in that vicinity to co-operate in their removal.

Early in the spring, communications being received from that State of recent alarming depredations, the Governor was checked in his purpose, by advice "to avoid offensive expeditions into the Indian country;" but to increase the force to be kept up "for defensive purposes." To "repel inroads" he was authorized, in addition to the troops then stationed there, to "raise and maintain a small body of cavalry and infantry." "The case of a serious invasion was to be referred to the provisions of the Constitution."

Advices being received early in the autumn, that a hostile expedition was again in contemplation, a Cabinet Council was held, and it was resolved to inform the Gov-

ernor, that "the President disapproved the measure as unauthorized by law, as contrary to the present state of affairs, and to the previous instructions, and that he expects that it will not be proceeded in." The temper of that State showed the importance of this decision of the Cabinet being communicated in emphatic terms. The Secretary at War, being absent, Hamilton, acting in his behalf, wrote and transmitted the following despatch.*

"Among the posts which have been established, that at Doctor's town creates a question, in consequence of Lieut. Colonel Gaither's information, that it is within the Indian boundary. This is a matter which ought to be unequivocally ascertained; and if found to be within the Indian line, or if it be even doubtful whether that be the case, the post must be immediately removed.

"It is deemed essential, that no encroachment should take place, and your Excellency is relied upon for a strict and scrupulous adherence to this principle.

"Under the circumstances which led to it, the President has thought proper to authorize the adoption by the United States, of the new troop ordered by you into service, from the time of its commencement, and to continue until the first of November ensuing, when it is to be disbanded. And you are at liberty, if the state of things shall render it in your judgment essential, to substitute at that time a company of infantry for the same service; Corps of Horse, upon the terms on which that in question is engaged, are expensive in the extreme; and in a much greater proportion compared with infantry, than any supposable superiority of usefulness can justify. Indeed it would require a treasury much better supplied than that of the United States to support the expense of a multiplication or extension of such corps. Consequently that multiplication or extension would tend to defeat its own object; for our instruments of defence to be durable must be relative to our means of supporting them. And when we find, as in the instance of the Insurrection now existing in the Western part of Pennsylvania, that those for whose immediate benefit the objects of military expeditions occur, are among the first to resist, even to violence, the necessary means of defraying them; it is easy to appreciate the per-

* Sept. 25, 1794.

plexing dilemma to which the Government is reduced, between the *duty* and the *means* of affording protection, and the necessity consequently of economy in the modes of effecting it.

"Your Excellency is pleased to express your concern at being so repeatedly compelled to solicit protection for the State of Georgia. This is not understood as implying any want of due disposition on the part of the Executive of this Government, to afford all the protection which is within the compass of the means placed within its power, having regard to all the objects, which, along a very extended frontier, equally demand attention. It is not doubted that you render justice, in this respect, to the views of the Executive.

"But the observation you have made in this particular naturally leads to another, which calls for the most serious attention of the Governments of the States, exposed to Indian depredations. It is this, that there is a reciprocal duty in the case. The obligation upon the United States to afford adequate protection to the inhabitants of the frontiers, is no doubt of the highest and most sacred kind. But there is a duty no less strong upon those inhabitants to avoid giving occasion to hostilities, by an irregular and improper conduct; and upon the local governments, sincerely and effectually to punish and redress instances of such conduct, and the spirit which produces them. If these inhabitants can with impunity thwart all the measures of the United States, for restoring or preserving peace; if they can, with impunity commit depredations and outrages upon the Indians, and that, in violation of the faith of the United States, pledged not only in their general treaties, but even in the special (and among all nations peculiarly sacred) case of a safe conduct, as in the instance of the attack upon the Indians, while encamped within our protection, on the tenth of May last, can it be surprising, if such circumstances should abate the alacrity of the National Councils to encounter those heavy expenses, which the protection of the Frontiers occasions, and of the readiness of the citizens of the United States distant from the scenes of danger, to acquiesce in the burdens they produce? It is not meant, by these remarks, to diminish the force of the excuse within due limits, which is drawn from the conduct of the Indians towards the frontier inhabitants. It cannot be denied that frequent and great provocations to a spirit of animosity and revenge are given by them; but a candid and impartial survey of the events which have from time to time occurred, can leave no doubt that injuries and provocations have been too far

mutual; that there is much to blame in the conduct of the frontier inhabitants, as well as in that of the Indians.

"And the result of a full examination must be, that unless means to restrain, by punishing the violences which those inhabitants are in the habit of perpetrating against the Indians, can be put in execution, all endeavors to preserve peace with them must be for ever frustrated.

"An example worthy of imitation in its spirit, has lately been given, by the surrender to Governor Blount of some Indians who lately committed a murder upon one John Ish, an inhabitant of the South Western Territory, and who have been tried and executed. The record of such an example of justice and fair dealing, will give occasion to us to blush, if we can cite no instance of reciprocity, amid the numerous occasions which are given for the exercise of it.

"These reflections, your Excellency may be assured, are merely designed to present to consideration some very important truths—truths, a due attention to which is of the most serious concern to those States which have an exposed frontier. To give full weight to their claims, upon the exertions of the Union to afford the requisite protection, it is of great moment to satisfy the United States, that the necessity for them has not been created, or promoted, by a culpable temper, not sufficiently restrained, among those to whom the protection is immediately to be extended.

"The President learns with great pleasure, the measures your Excellency had begun, and was about to pursue for the removal of the settlers under General Clarke. It is impossible to conceive a settlement more unjustifiable in its pretexts, or more dangerous in its principles, than that which he is attempting. It is not only a high-handed usurpation of the rights of the General and State Governments, and a most unwarrantable encroachment upon those of the Indians; but, proceeding upon the idea of a separate and independent government, to be erected upon a *military basis*, it is essentially hostile to our Republican systems of government, and is pregnant with incalculable mischiefs. It deeply concerns the great interests of the Country that such an establishment should not be permitted to take root, and that the example should be checked by adequate punishment; in doing which no time is to be lost, for, such is the nature of the establishment, that it may be expected rapidly to attain to a formidable magnitude, involving great expense and trouble to subvert it.

"The President, therefore depends absolutely upon measures, equally prompt and efficacious, to put an end to it.

"Mr. Habersham, Agent for supplies, is instructed to cooperate and the Governor of South Carolina is requested to afford, upon your application, the aid of the Militia of that State, if circumstances, as does not appear probable, should require it.

"No agreement or arrangement which may be made or pretended to be made, between those settlers and the Indians, ought to be suffered to make any alteration in the plan of suppressing the settlement; for, no such agreement or arrangement can possibly be legal; or, considering the manner in which the settlement has been commenced; can, without affording a most pernicious example, receive the future sanction of Government.

"You desire instructions with regard to the prisoners that may be made, in the event of the employment of force. You will be pleased to cause them to be delivered over to the custody of the Judiciary, and in preference, to that of the United States, as their laws define and prescribe particular punishments in such cases."

The decision of the Judiciary of Georgia encouraged the party of Clarke, and the settlements on the Indian lands were pushed with vigor. The aggression was popular, and it was believed by him that the Militia would not act against him. His works were completed. A town was laid out, called Fort Advance, opposite the American post, Fidius. Clarke was elected Major General, and a committee of safety was chosen to govern the settlement, to whom he announced his determination to maintain his position; and denounced the orders of the War Department, as unconstitutional, and the Governor's proclamation as illegal. At this moment Hamilton's vigorous instructions were received.—Efficient measures were immediately taken.—Clarke was dislodged.—The Forts were demolished.

The fact, that the Indians confined their opposition to these encroachments on their domain to firm representations of the violation of their rights, is a remarkable evidence of the confidence the Federal agents had inspired

in the sincerity of the determination of the General Government to protect them.*

The result of these movements was not only interesting to the United States, as a test of its ability to preserve inviolate the integrity of its engagements with these remote savages, but as connected with the measures it had adopted to put an end to the warfare so long waged in the North Western territory.

Previous efforts at pacification having failed, a deputation of the Chiefs of the "Six Nations" held a Council with the Western Indians near the close of the year seventeen hundred and ninety-two, when they declared to them "the wish of General Washington to be at peace with the whole of the Indians, from the rising to the setting of the sun."

"The whole of you know," they said, "we have General Washington by the hand." This overture was well received, and "a road for peace" was opened to be confirmed at a Council in the ensuing spring.

Commissioners were appointed to meet this Council, which assembled near the rapids of the Miami, late in the summer of ninety-three. After frequent solicitations, the Indians, stimulated probably by traders from the British provinces, abruptly refused the equitable terms offered to them.

Wayne, at the head of a force of twenty-six hundred effectives, composing the American Legion, anticipating hostilities, moved from the forts which had been erected during the previous campaign; and established himself in a fortified camp at Greensville, within striking distance of their principal settlements. This judicious movement was far from being satisfactory to the border inhabitants.

* American State Papers, i. 500. Indian Affairs.

Fond of a predatory warfare, which gratified their resentments, and gave them emolument at the expense of the General Government, they clamored against the President; decried the Legion; asserted that Militia were the only efficient combatants of savages, and claimed as a right, that the United States should invest a discretionary power in some individual among themselves to call them into service, at the charge of the National treasury. These extravagant pretensions were, it is believed, disregarded.

It was the part both of policy and humanity to take care that the army should be sufficiently numerous, not only to drive off the Indians, but to protect the Country by a chain of commanding Posts. The slowness in recruiting and in transporting supplies prevented its advance until midsummer of the year seventeen hundred ninety-four, a delay rendered prudent by the recent position taken by Simcoe. Wayne, as soon as the reinforcements reached him, moved forward and took possession of Grand Glaize—the Indian "Emporium" of the West. There, among their recently deserted gardens and extensive fields, rich in Indian corn, which surrounded a continuous village bordering the beautiful rivers of the Miamis and the Au Glaize, he erected a stockade fort.—From this position, he addressed to them a last overture of peace. This being rejected, his army again advanced until the twentieth of August, when a decisive engagement of nine hundred troops with two thousand Indians, took place under the guns of a British fort, near the rapids of the Miami, behind which parties of the savages had taken refuge.

The report of it by Wayne is the usual painful narrative of an unequal conflict between untrained savages and

a disciplined force, effectively commanded.* After a hot pursuit, having laid waste their numerous wigwams, Wayne returned to the position he had last occupied.

His dispatches announcing this important success covered a warm correspondence between himself and the commander of the British fort.—Information being, in the mean time, received from Jay of a stipulation with Great Britain that, during the negotiation each party should retain its possessions, and for a cessation of hostilities, Hamilton gave orders by express to Wayne, to avoid a collision. He soon after returned to his winter quarters.

The moderation and the energy of the Administration had now attained one of the great objects to which its efforts had been anxiously directed—quiet to the long line of their interior frontier, extending from the Southern Atlantic to the lakes.

From the fierce savages, who had been only known to the American people as ruthless enemies, its cares were now directed to others, whose affections a mild and equitable policy had early won—the "SIX NATIONS,"—a people whose achievements form the heroic page of Indian history, and who, though much circumscribed in their limits, still possessed the fertile region which reaches from the sources of the rapid Mohawk to those of the gently flowing Ohio.

Guided by wise and benevolent chiefs, from their Council seat at the "Oneida Castle," a deep and solemn grove,—the appropriate sanctuary of these wild unconquered sons of the forest,—where had been concerted those expeditions which formerly spread terror over the American Continent—were now only heard assurances of peace and friendship.

* Indian Affairs, i. 491, Am. State Papers.

Hence they addressed a letter to Hamilton, stating, that they had heard, "he was the friend to everybody—Indians as well as white men;" renewing protestations of their fidelity to the United States, and asking his intervention to extend the benefits of education which they were enjoying, to other tribes.

His interposition in their behalf soon became necessary, not only from regard to the obligations of humanity, but as a measure of precaution.

Pennsylvania had recently empowered her Governor to lay out Presqu-Isle; and for the alleged purposes of securing the safety of her Capital and of her western frontier, had authorized the enlistment of a small body of troops to serve eight months, and from that time till the meeting of the Legislature, if, in the opinion of the Governor, *the war in Europe* or on the frontier should require it.

The General Government viewed, with well-founded apprehension, this procedure, which, from the circumstances of the moment, was a source of peculiar alarm.—There was high probability of an immediate rupture with these Indians, partly prompted by the recent murders of their people.

Hamilton's Cabinet opinion was adopted, that Mifflin be advised "to suspend for the present the establishment at Presqu-Isle."

Adverse as he was to a collision with this important State, a question was made by Hamilton as to the constitutionality of a State raising this force. While it was admitted, that the existence of Indian hostilities excepted this procedure from the restriction of the Constitution, which forbade a State keeping up troops in time of peace without the consent of Congress, that part of this law

which made the term of their service dependent on the war in Europe was pronounced illegal.

That his apprehensions were not without cause was soon manifest—Irvine, Ellicot and Gallatin, Commissioners appointed for that purpose, preceded by the State troops, established a post in the vicinity of Presqui-Isle. This movement alarmed the "Six Nations," who denied the title of the State to these lands, and were understood to be preparing an expedition against this post, in whose vicinity two armed English vessels were lying off, supposed to be ready to act in concert with them.

This circumstance gave strength to the belief, that Great Britain, influenced by the reception of Genet;* by his unrestrained captures within the jurisdiction of the United States; by the rejoicings at French successes; by the movements of the Western Army; and by the rash enmity of the opposition; regarded war as inevitable.

It was of great moment to delay the execution of a measure which might precipitate this event; and urgent requests were made to Governor Mifflin to withdraw these troops. Whether acting under a sincere or feigned sense of obedience to the law of the State, he proceeded to draught a body of militia to sustain the levies; and only, after much correspondence, and at the earnest intercession of Washington, was he induced to suspend the contemplated establishment on Lake Erie.

This interposition was deferred from consideration of the delicacy of the President's interference with the action of a State; until the progress of the measure had produced the murder of an Indian, and threatened the safety of the country.

Yet, eager to impugn his motives, the Democratic Society of Washington in Pennsylvania, denounced it as

* Jay to Washington, July 21, 1794.

an unconstitutional "precedent, to supersede State laws in general; and to produce that consolidation, which was foretold and dreaded at the era of adopting the Constitution." They, at the same time, stigmatized the Proclamation of Neutrality as an interference with the duty of America to support the cause of France;—condemned the nomination of a special Envoy to Great Britain; and reprobated the appointment of Jay, as a violation of the Constitution, and "an indelicacy to the people."

The tone of these resolutions, charging the measures of the Government to "British influence," and comparing Washington "to the Sultan of Constantinople," indicates the temper which long unpunished violations of the laws had produced in this secluded part of the Union; and show how intimately every form of opposition was connected with the cause of France.*

They were the preludes of Treason and Insurrection.

* Extract from the proceedings of a meeting of Delegates from the election Districts of Allegany County held at Pittsburgh:

"At this juncture we have FRANCE to assist us, who, should we now take a part, will not fail to stand by us until Canada is independent of Britain; and the instigators of Indian hostilities are removed; and should we lye by, while France is struggling for her liberties, it cannot be supposed, that her Republic will embark in a war on our account, after she shall have been victorious.—It was for this reason, that though we approved of the conduct of the President and the Judiciary of the U. S. in their endeavors to preserve Peace and an impartial Neutrality, until the sense of the Nation had been taken on the necessity of retaliation by actually declaring war; yet, now, that the Congress have been convened, and such just grounds exist; we are weary of their tardiness in coming forward to measures of reprisal.

"But we have observed with great pain that our Councils want the integrity or spirit of Republicans.

"This we attribute to the pernicious influence of stockholders or their subordinates; and our minds feel this with so much indignancy, that we are almost ready to wish for a state of Revolution and the *guillotine* of France, for a short space, in order to inflict punishment on the miscreants that enervate and disgrace our Government."

CHAPTER CX.

It has been seen, that beside recommending modifications of the law for the collection of the duty on distilled spirits, Hamilton had instituted a plan for purchases from the complying distillers in the Western Counties of Pennsylvania, and had directed the delinquents to be prosecuted. "There was," he remarked, "ground to entertain hopes of its good effect, and it was certainly the most likely course which could have been adopted toward attaining the object of the laws by means short of force; evincing unequivocally the sincere disposition to avoid this painful resort, and the steady moderation which have characterized the measures of the government." "In pursuance of this plan, prosecutions were occasionally instituted in the mildest forms; seizures were made, as opportunities occurred; and purchases on public account were carried on."

The result authorized the expectation, that, with the aid of the desired supplementary provisions to the existing laws,—the enactment of which was deferred at the instance of Madison—this policy would be successful.

Aware of this, the opponents of the Excise resorted to measures of counteraction. They persisted in endeavoring to frustrate the establishment of offices of Inspection, and continued to intimidate the Revenue Officers.

To bring justice near the doors of the offenders, and to relieve them from the inconveniences of interposing their defences at a remote point, an act was passed in March ninety-three, authorizing special sessions of the Circuit Court of the United States to be held at convenient places within the Judicial Districts. Thus, the object Hamilton had sought to attain, by delegating the judicial power to State tribunals which had been defeated in Congress, was attained.

A month later, in April,* a party of armed men in disguise attacked, in the night, the house of a collector of the Revenue in Fayette County, who happened to be absent. The Sheriff refused to execute warrants issued against the rioters, operated upon by an official influence hostile to the General Government.

In June following, an Inspector of the Revenue was burnt in effigy on an election day, without any interference of the presiding magistrates. On the night of the twenty-second of November, another armed party in disguise broke open the house of the same collector at Fayette; compelled a surrender of his commission at the muzzle of a pistol; and required his pledge to publish his resignation, under the pain of another visit and the destruction of his house.

Notwithstanding these excesses, during the latter periods of this year a more general disposition was evinced to comply with the requisitions of the laws. But this begat alarm amongst its determined opponents; and it soon appeared, that greater excesses were in contemplation.

In January of the present year, two persons, one who had given information of the violence upon the maniac,

* Hamilton's Report on the progress of the Insurrection.

previously mentioned, the other, a complying distiller, had their barns burned. The offenders were not discovered. In the following month, the Inspector of the Revenue was pursued and threatened with violence, and his house was broken open, and fired. These violences were continued.

Another inspector of the revenue was tarred and feathered; tied naked to a stake; and subsequently compelled to exile himself from the country.

Still anxious to remove all well-founded objections to the enforcements of the law, Congress, on the fifth of June of this year, conferred concurrent jurisdiction with those of the United States on the State Courts, of all offences arising under the internal revenue act. This concession to public clamor was of no avail, for the opposition had assumed at one point an organization, obviously intended to establish a power to control that of the State, independent of and adverse to its authority, and prepared to resist it. This association, called the "Mingo Creek Society," was composed of a battalion of militia, governed by a President and Council,—with power to adjudicate primarily on all questions between its members. Its formation was not made public, until reached by legal investigation; and it was intended to operate secretly. It was objected by a partisan of the insurgents, that the process against the delinquent distillers, issued from a Court of the United States, and not from the recently authorized State courts—as though the government was bound to defer the performance of its duty upon the contingency of future legislation, the constitutionality of which had been disputed, and when omissions to enforce it had been the subject of "complaints from complying quarters."

New efforts being made to enforce the laws, the Marshal of the District was fired upon by a party of armed men. On the following day, the sixteenth of July, an

attack by a larger body was made on the house of the Inspector General Neville,* in the vicinity of Pittsburgh, who, after having gallantly defended himself, was obliged to retreat. On applying to the magistrates and commandants of the militia, he was informed, that, owing to the general combination of the people, the laws could not be executed.

The next day, the insurgents reassembled in increased numbers, and renewed their attack upon the house of the Inspector, who had called in a detachment from the garrison of Fort Pitt. It consisted of an officer and eleven soldiers. An effectual defence being rendered improbable from the inequality of numbers, the Inspector retired. A parley took place under cover of a flag. The Insurgents then required the troops to march out and ground their arms,—which being refused, a brisk firing ensued, and was continued until the buildings, being in flames, the few troops were compelled to surrender. One of the Insurgents, formerly an officer of the Pennsylvania line, was killed; several of each party were wounded. The whole property of the Inspector was consumed to the ground. The Marshal was seized while coming to his aid. They were both ultimately compelled, in order to avoid personal injury, to *descend* the Ohio, and by a circuitous route to *proceed* to the seat of Government. After these excesses, a Convention of delegates from the Insurgents of the four western counties of Pennsylvania and the

* Presley Neville had risen from the rank of lieutenant to that of Lieut. Colonel in the Virginia line. He had served with that line during all the earlier stages of the war—was at "Trenton"—at the "Short Hills," commanding the advance—at Brandywine—in the attack on "Chew's" house—with D'Estaing off Newport—at the defence of Charlestown—and finally at Yorktown. His fidelity to the Government, with that of Major Craig and Major Kirkpatrick, justified the confidence placed by Hamilton in these tried soldiers.

neighboring counties of Virginia was called for the fourteenth of August at Parkinson's ferry,* to concert measures suited to the occasion.

The period had at last certainly arrived, when, in the language of the President, "the Government could no longer remain a passive spectator of the contempt with which the laws were treated."

He called for the opinions of his cabinet. On the second of August, Hamilton addressed him a letter, in which, after adverting to the facts embraced in the Report he had drawn up, he gave his opinion, that the President, having, with the advice of the Heads of the Departments and Attorney General, caused to be submitted these facts to an associate Judge, under the act of Congress to provide for calling forth the militia to suppress insurrections, if the Judge shall pronounce that the case described in the second section of the act exists, "it will follow, that a competent force of militia should be called forth; and employed to suppress the insurrection, and support the civil authority." That it appeared to him, "that the very existence of Government demands this course; and that a duty of the highest nature urged the Chief Magistrate to pursue it. The Constitution and the laws of the United States contemplate and provide for it." That "the force, ought, if attainable, to be imposing, to deter from opposition, save the effusion of the blood of citizens, and secure the object to be accomplished." To secure these objects, and looking to the contingency of the opposition extending to a part of Virginia—he proposed a draft of twelve thousand militia, of which three thousand were to be horse. Mifflin, the Governor of Pennsylvania, having officially stated, that the militia of

* On Mingo Creek, Westmoreland.

Pennsylvania alone would be found incompetent, he advised that New Jersey, Maryland and Virginia should each contribute a quota of this force; the militia to rendezvous at Carlisle in Pennsylvania, and Cumberland Fort in Virginia, on the coming tenth of September, and that, in obedience to the law, a monitory proclamation should be issued, "commanding the insurgents to disperse and return peaceably to their respective abodes within a limited time." * This opinion was concurred in by the Secretary at War, and by the Attorney General.

Randolph, the Secretary of State, who expressed doubts, when Attorney General, whether the lawless proceedings at Pittsburgh constituted an indictable offence, dissented from the other members of the Cabinet. He admitted, that at the first intelligence, the Insurrection appeared to be extensive in its relations, but that subsequent reflection and his conference with Mifflin had multiplied his doubts tenfold;—that "the moment was big with a crisis which would convulse the eldest government, and if it should burst on ours, its extent and dominion can be but faintly conjectured." He stated, when a submission of the facts was made to the associate Judge as the basis of his certificate, that the Attorney General was cautioned "not to express the most distant wish of the President, that the certificate should be granted;" that, "in his own judgment, the testimony was not legally sufficient to warrant the certificate, and was imperfect, in not having specified any particular law that was opposed." He then passed from a consideration of the legality to that of the expediency of the proposed measures, stating that a calm survey of the situation of the United States "banishes every idea of calling the militia into im-

* Hamilton's Works, iv. 575.

mediate action," for the several reasons, that a radical and universal dissatisfaction with the Excise pervaded the tramontane counties of Pennsylvania, having more than sixty-three thousand souls and more than fifteen thousand white males above the age of sixteen; that the infection had extended to other and some of them populous counties; and also to "several counties in Virginia, having a strong militia"—that the Insurgents were numerous, closely united by like dangers with friends and kindred, scattered and ready to combine with them; and as soon as any event of eclat should occur, other discontented persons would make with them common cause. The Governor of Pennsylvania having declared his opinion, that the militia of that State whose services could be obtained, would be unequal to the task, it is possible those of other States will refuse to serve; and, if they comply, their introduction into the bosom of that State might produce a strong and hostile cement among its own militia. Great expense would be incurred, which imposed caution on the fiscal department as to pecuniary resources. There being no appropriation for the requisite funds, how would they be drawn? It is said, that appropriations are to the War Department generally, but it well deserved inquiry, whether these appropriations were not made upon particular statements, essentially distinct from the service proposed?

To these reasons were added the danger, if the Insurgents accepted the aid of the British, that the western army would be destroyed; a severance of the Union and a British war; that miscarriage might produce the most serious consequences, beside the unforeseen effect of calling into the field a large portion of American citizens against others; that the parties in the Country were highly inflamed; that "ONE character alone could keep

them in awe; and if the sword be drawn, it will be difficult to restrain them."

Instead of immediate preparations to exert the power of the government, he advised a proclamation; the appointment of commissioners; the prosecution of offenders, if the mission should fail; and lastly, if the Judiciary authority was withstood, the employment of the militia.

On the very day upon which this letter, adroitly prepared to work upon the President, and to divert him from his purpose, was written, Randolph hastened to Fauchet, who thus describes him to his government:

"All his countenance was grief. He requested of me a *private* conversation. 'It is all over,' he said to me 'A civil war is about to ravage our unhappy country. *Four men,** by their talents, their influence, and their energy may save it. But debtors of English merchants, they will be deprived of their liberty, if they take the smallest step. Could *you lend them, instantaneously, funds sufficient* to shelter them from English persecution?' This inquiry *astonished* me much. It was impossible for me to make a *satisfactory* answer. You know my want of power, and defect of pecuniary means. I shall draw myself from the affair by some commonplace remarks, and by throwing myself on the *pure* and unalterable principles of the Republic."

This insurrection being "*indubitably* connected with a general explosion for some time prepared in the public mind, but which precipitate eruption would cause to mis-

* An explanatory certificate was subsequently obtained by Randolph from Fauchet, representing these "four men of talents, influence and energy," as four "*flour* merchants, and that perhaps debtors to English merchants, they *might perhaps* be exposed to be harrassed and arrested; and that the money was wanted *only* for the purpose of paying them what was actually *due* to them in virtue of existing contracts!"

carry or check for a long time," * it was important to apprize the Envoy of France of the determination of the Government, in order to prevent dangerous disclosures, and to announce to the partizans of France the hazards to which they would be exposed.

The opinion of Randolph, which masked other views, and was in conformity with the policy of the Democratic Societies, and of other leaders of that party, had no weight with the President. He felt that it was his duty to see the laws executed; and a solemn proclamation from Hamilton's pen † was issued, well adapted to the crisis, combining a strong appeal to the reason of the American people with a proper tone of authority, declaring that this opposition struck "at the very existence of the Government, and the fundamental principles of social order." After premising the efforts by legislation to obviate the objections to the laws, by lowering the duties and other alterations, and the endeavors of the Government to conciliate a compliance by explanations, forbearance, and local accommodations, in terms analogous to those Hamilton had used in his reports to Congress, the President stated, that *treason* had been committed by *overt acts* of *levying war* against the United States; and he commanded all the Insurgents to disperse before the first of September, and retire peaceably to their abodes.

A requisition was at the same time made upon Pennsylvania, Virginia, Maryland and New Jersey, for their respective quotas of militia to be organized for immediate service.

In the performance of this duty, a serious obstacle was encountered by Hamilton in the very outset,

* Randolph's Vindication, 41. Fauchet's intercepted despatch.

† Hamilton's Works, iv. 600. Aug. 7, 1794.

from the reluctance of Mifflin, the Governor of Pennsylvania, to co-operate.

It appeared, that the Deputy Attorney General of the State, some of its associate Judges, and several of its militia officers were among the leading fomenters of the Insurrection. That persons who had given the example of so wanton a violation of the laws, should, under the Constitution of a State which conferred the power of appointment solely on its Governor, be continued in office; that the Secretary* of a meeting which had incurred such marked condemnation of Washington should so recently have been selected to fill a place of distinction;—these facts all justified the apprehension, that to this Insurrection Mifflin would not be found a formidable adversary.

A Resolution of the House of Representatives of Pennsylvania, that "the proceedings to collect the Excise, a revenue established on principles subversive of the peace, liberty, and rights of the citizens, exhibited the singular spectacle of a nation absolutely opposing the oppression of others in order to enslave itself," proved, that the State Government was unsound. These views were sustained by the Democratic Societies of Philadelphia, and New York, pronouncing these laws, at the moment overtures of clemency were made, "hostile to liberty—a nursery of vice and sycophancy."

The dispositions of Mifflin being made known to the President, he requested an interview; "influenced by the desire of manifesting a respectful attention to the Chief Magistrate of a State immediately affected, and by the hope, that a free conference guided by a united and comprehensive view of the Constitutions of the United States

* Albert Gallatin.

and of Pennsylvania, and of the respective institutions, authorities, rights and duties of the two Governments, would have assisted him in forming more precise ideas of the nature of the *co-operation* which could be established between them, and a better judgment of the plan which it might be advisable for him to pursue in the execution of his trust in so important and delicate a conjuncture." * An interview took place, but Mifflin did not feel the force of the considerations urged upon him.

A few days after, on the fifth of August, the day on which Randolph held his guilty conference with Fauchet, Mifflin addressed a letter to the President, in which he offered various reasons to deter him from the measures in contemplation.

Hamilton felt that every position taken in this important matter ought to be well considered, and perfectly guarded. Aware of the eagerness of the opposition to excite prejudices against the Administration, and of their readiness to call in question, and thus to endanger this high and necessary conservative power of the Constitution, he immediately prepared a full reply to Mifflin, dated the seventh of August.

The duty of making this reply properly belonged to the State department, and by the direction of the President, it was *officially signed* by Randolph.

It is written with all the earnestness that would be prompted by the feelings of a statesman, who saw that the supremacy of the Constitution and of the laws was in question,—by a knowledge of the intrigues which had given this insurrection its importance;—by a sense of the necessity of placing every act of his administration upon grounds which would bear the test of present or future

* Hamilton's Works, v. 1.

scrutiny. This well-digested document closed with these observations:

"You are already, Sir, advised that the President yielding to the impressions which have been stated, has determined to take measures for calling forth the Militia; and that these measures contemplate the assembling a body of between twelve and thirteen thousand men, from Pennsylvania and the neighboring States of Virginia, Maryland and New Jersey. The recourse thus early to the militia of the neighboring States proceeds from a probability of the insufficiency of that of Pennsylvania alone to accomplish the object, your excellency having in your conference with the President confirmed the conclusion, which was deducible from the known local and other circumstances of the State, by the frank and explicit declaration which you made of your conviction of their insufficiency, in reference to the number which could be expected to be drawn forth for the purpose.

"But while the President has conceived himself to be under an indispensable obligation to prepare for that eventual resort, he has still consulted the sentiment of regret which he expressed to you, at the possible necessity of an appeal to arms; and to avert it, if practicable, as well as to manifest his attention to the principle that "a firm and energetic conduct does not preclude the exercise of a prudent and humane policy," he has (as you have been also advised) concluded upon the measure of sending himself, Commissioners to the discontented counties, to make one more experiment of a conciliatory appeal to the reason, virtue and patriotism of their inhabitants; and has also signified to you how agreeable would be to him your co-operation in the same expedient, which you have been pleased to afford. It can scarcely be requisite to add, that there is nothing he has more at heart, than that the issue of this experiment, by establishing the authority of the laws, may preclude the always calamitous necessity of an appeal to arms. It would plant a thorn in the remainder of his path through life, to have been obliged to employ force against fellow-citizens for giving solidity and permanency to blessings, which it has been his greatest happiness, to co-operate with them in procuring for a much-loved country."

The influence of this letter is evinced in the fact, that, on the day of its date, Mifflin issued a Proclamation to

suppress the insurrection. Anticipating an attempt, which was afterwards made, Hamilton on the 12th of August, advised the President to put the garrison of "Franklin" in the power of Major Butler, so that he might draw a part of it to his aid, which was ordered. On the same day, five days after Hamilton's admonitory letter to him, Mifflin wrote an explanatory reply, in which he contended, that the mere dispersion of the insurgents was the sole object for which the militia could be lawfully called out, or kept in service after being called out.

It was important to prevent any perversion of facts, and it was of the highest moment to confute this misconstruction of the constitutional power over the militia.

With this view, Hamilton replied at great length on the thirtieth of August, discussing the provision which conferred this power, and showing it to be "the manifest general intent" of the Constitution and of the act as to the employment of the militia, that when called out in virtue of it, they could be retained in service "for the purpose of causing the laws to be duly executed, and of course till they are so executed." *

Anxious to give a right direction to public sentiment, Hamilton had requested the President's permission to make public under his sanction, his Report on the Insurrection. Randolph objected to this publication, but the President's permission being obtained, this statement of its origin and progress was promulgated.

Nor was he content with this effort to disabuse the minds of the people. Alive to the insidious means made use of to excite a distrust of the Government, he published a series of Essays over the signature of Tully, addressed "to the People of the United States." †

From the first establishment of the Government it had

* Hamilton's Works, v. 16. † Ibid. vii. 157. Aug. 23, 1794.

been foreboded, that every occasion of serious embarrassment in its affairs would be the signal of an attempt to overthrow it, or to lay the foundation of its overthrow, by defeating the exercise of constitutional and necessary authorities.

The existing disturbances, it was supposed, would furnish such occasion. "Every virtuous man, every good citizen, and every TRUE REPUBLICAN," Hamilton observed, "must fervently pray, that the issue may confound, not confirm so ill-omened a prediction."

After these preliminary remarks, he pointed out, the arts that would be employed to mislead the public mind,* —the temporizing advice that would be given—the efforts to divert attention from the criminality of a violent resistance to the laws, opposing the suggestion of misconduct on the part of the government, to misconduct on the part of the Insurgents—thus to abate the indignation of the people, prevent a competent force from complying with its call; and to leave the government of the Union in the prostrate condition of seeing the laws trampled under foot by an unprincipled combination of a small portion of the community, habitually disobedient, and itself destitute of the necessary aid for vindicating their authority.

"Virtuous and enlightened citizens of a now happy country," he exclaimed, "ye could not be the dupes of artifices so detestable; of a scheme so fatal; ye cannot be insensible to the destructive consequences with which it would be pregnant; ye cannot but remember, that the Government is YOUR OWN WORK; that you are called upon not to support their power, but YOUR OWN POWER."

* R. R. Livingston, 18th Sept., 1794, writes as to the Excise and Pennsylvania Insurrection—"This is the first chapter of the evils I predicted from the Assumption, instead of leaving to the several States the means of paying their own debts.

Referring to the Constitution and to the Laws which authorized and established the Excise, he declared—the Question plainly is, "Shall the majority govern or be governed? Shall the nation rule or be ruled? Shall the general will prevail or the will of a faction? Shall there be government or no government? It is impossible to deny that this is the true and the whole question. No art, no sophistry can involve it in the least obscurity. The Constitution you have ordained for yourselves and your posterity gives the express power to Congress of laying Excises. You have then by a solemn act, the most important and sacred that a nation can perform, pronounced and decreed that your Representatives in Congress shall have power to lay Excises. You have done nothing since to reverse or impair this decree.

"Your Representatives, pursuant to the commission derived from you, and with a full knowledge of the Public Exigencies, have laid an Excise. At three succeeding Sessions they have revised that act, and have as often, with a degree of unanimity not common, and after the best opportunities of knowing your sense, renewed their sanction to it. You have acquiesced in it. It has gone into general operation, and you have actually paid more than a million of dollars on account of it. But the Four Western Counties of Pennsylvania undertake to revise and regulate your decrees. You have said, 'the Congress *shall have power to lay Excises.*' 'The Congress *shall not have this power.* Or what is equivalent they shall not exercise it, for a *power* that may not be exercised is a nullity,' is the language of the Insurgents. Your Representatives have said and oft times repeated it, an Excise on distilled spirits shall be collected. They say it *shall not* be collected. We will punish, expel, banish the officer who shall attempt the collection. We will do the same by every other person who shall dare to comply with your decree expressed in the Constitutional Charter; and with that of your Representatives, expressed in the laws. The sovereignty shall not reside with you but with us. If you presume to dispute the point by force, we are ready to measure swords with you; and if unequal ourselves to the contest, we will call in the aid of a foreign nation. We will league ourselves with a foreign power.

"It would not be difficult to demonstrate, that a large and well-organized Republic can scarcely lose its liberty, from any other cause than that of anarchy—to which a contempt of the laws is the high road.

"Government is frequently and aptly classed under two descriptions, —a government of FORCE and a government of LAWS. The first is a definition of Despotism—the last of Liberty. But how can a government of laws exist when the laws are disrespected and disobeyed? Government supposes control. It is that POWER by which individuals in society are kept from doing injury to each other, and are brought to co-operate to a common end. The instruments, by which it must act, are either the AUTHORITY of the LAWS or FORCE. If the first be destroyed, the last must be substituted; for mankind must have GOVERNMENT OF ONE SORT OR ANOTHER—and where this becomes the ordinary instrument, there is an end to LIBERTY. Resistance to constitutional laws distinguished by no extraordinary features of rigor or oppression is *Treason* against Society, against Liberty, against every thing that ought to be dear to a free, enlightened and prudent people. To tolerate it, were to abandon your most precious interests. Not to subdue it, were to tolerate it."

After alluding to the attempts to involve the country in a foreign war, the closing number of this series of earnest remonstrances, adverted to the alarm excited, lest the enforcement of the law would produce a civil war.

Great as such an evil would be, Hamilton declared, that it is

"Incomparably a less evil than the destruction of Government." "You know that the POWER of the majority and LIBERTY is inseparable. Destroy that, and this perishes. But, in truth, that which is called a Civil War is not not to be apprehended, unless from the act of those who endeavor to fan the flame by rendering the Government odious. A Civil War is a contest between two GREAT parts of the same Empire. The exertions of the strength of the nation to suppress resistance to its laws by a sixtieth part of itself, is not of that description."

He next referred to the alleged miseries of the people, observing—

"After endeavoring to alarm you with the horrors of civil war, an attempt is made to excite your sympathy in favor of the armed faction, by telling you that those who compose it are men who understand the principles of freedom and know the horrors and distresses of anarchy,

and must therefore have been prompted to hostilities against the laws by a radical defect either in the government or in its administration.

"Fellow Citizens, For an answer to this you have only to consult your senses. The national consequences of radical defect in a government or in its administration are national distress and suffering. Look around you. Where is it? Do you feel it? Do you see it? Go in quest of it beyond the Alleghanies, and, instead of it, you will find, that there also, a scene of unparalleled prosperity upbraids the ingratitude and madness of those who are endeavoring to cloud the bright face of our political horizon, and to mar the happiest lot that beneficent Heaven ever indulged to undeserving mortals.

"When you have turned your eyes towards that scene, examine well the men whose knowledge of the principles of freedom is so emphatically vaunted. Where did they get their better knowledge of those principles than that which you possess? How is it, that you have been so blind or tame as to remain quiet, while they have been goaded into hostility against the laws by a RADICAL defect in the Government or in its administration? Are you willing to yield them the palm of discernment, of patriotism, or of courage?"

The voice of Cicero was not raised in a nobler cause, or, with more effect.

While Hamilton thus appealed to the patriotism of the people, he defeated the machinations of Randolph and his confidants, and made them feel that the public eye was upon them. Though grossly calumniated by writers of the opposition, he saw in the rising indignation of the friends of the government, that his exhortations had not been unheard.

Embarrassed as Mifflin was by his political connection with the leaders of the opposition, he too felt that Hamilton's determined counsels had prevailed, and that no alternative remained, but an open breach with the President, or obedience to his orders.

His situation compelled him to play a double part. To win the merit of moderation, he appointed two of his partisans commissioners to negotiate with the insurgents.

To avoid responsibility, he convened the legislature of the State,* and to escape the censure of having faltered in his Federal duties, he assumed an appearance of zealous co-operation, too ardent, to deceive the most credulous.†

It was the misfortune of this irresolute man always to select a position in which he was compelled to sacrifice the confidence of his associates to the vain hope of acquiring the respect of his opponents. In both he failed.

A requisition for the militia having been made; as a last effort to avoid coercive measures, the Attorney General, a Judge of the Supreme Court of the State, and Ross, a Senator—all citizens of Pennsylvania—were appointed Commissioners to proceed in behalf of the United States to the seat of discontent, and to offer amnesty

* In his address to them he said:—"Every conciliatory effort had been made both by the General Government and by the State of Pennsylvania, but we can no longer cherish a reasonable hope that the judiciary authority of the Government is 'competent to enforce obedience to the acts of Congress and to punish the outrageous offences committed in opposition to them.'" Sept. 2, 1794.

† Fauchet writes to his Government:—"Of all the Governors, whose duty it was to appear at the head of the requisitions, the Governor (Mifflin) was believed to be a Republican. It was known that he had an unfavorable opinion of the Secretary of the Treasury and of his systems. The Secretary of State (Dallas) possessed much influence in the popular society of Philadelphia, which in its turn influenced the popular societies in other States. He of course merited attention.

"It seems then, that *these men*, together with others of whom I have no knowledge, all having without doubt Randolph at their head, were hesitating on which side they should declare for. As soon as it was decided, that the French republic *purchased* no men to do their duty, there were to be seen Individuals, about whose conduct the Government could at least form uneasy conjectures, giving themselves up, with a scandalous ostentation, to its views; and even seconding its declarations."

Alluding to the conduct of the militia he observes, "How much more interesting, than *the changeable men* whom I have painted above, were those plain citizens!"

for all past offences, on condition of submission to the laws.

Hamilton was now cheered by the success of his efforts to rouse the people. The number of Volunteers for this arduous duty was so great as to render it necessary to refuse the services of many. Among them were seen "instances of General officers going at the head of a single troop and of light companies; of field officers when they came to the place of rendezvous, and found no command for them in that grade, turning into the ranks and proceeding as private soldiers under their own captains, and of numbers possessing the first fortunes in the country standing in the ranks as private men, and marching day by day with their knapsacks and haversacks, sleeping on straw with a single blanket in a soldier's tent during the frosty nights." With these were mustered, members of the "Society of Friends," who felt that this effort to maintain the laws justified a departure from the rigid and mistaken tenets which forbade their taking arms.

Though the insurrection had extended into a contiguous county of Virginia, Hamilton's private intelligence assured him that, in this crisis, Washington would be sustained by his native State. On the twenty-fifth of August Colonel Carrington wrote to him, "Virginia will do her duty. It is a case which goes home to the people themselves, and they will act according to their own principles. It is not one of those cases in which they remain silent, while Democratic Societies, British Debtors, and other factions presume to declare, in resolutions and toasts, opinions for them. Virtuous men have been cried down under a din of monarchy, aristocracy, British influence, and French Republicanism,—terms to which no rational significations have been applied, because they have seriously recollected, we have a country

of our own, and in Congress and elsewhere, voted to preserve and prosper them." *

To place beyond all casualty the co-operation of that State was at this great crisis of the Republic of immense moment.

Since Jefferson's departure from office but one letter appears to have been interchanged between him and Washington. That of Washington was written to inclose a prospectus which had reached the seat of government addressed to Jefferson, as Secretary of State. His reply chiefly relates to the condition and cultivation of his lands, closing however with this declaration, "My opinion of the British Government is, that nothing will force them to do justice but the loud voice of their people, and that this can never be excited but by distressing their commerce. But," he adds, "I cherish tranquility too much to suffer political things to enter my mind at all." †

Similar avowals of a preference of private to public life had been too frequently made by him to receive credit; and a step was now taken, with the President's approbation, of obvious policy, whether to quiet for a time the great fomentor of the opposition to his Administration, or to remove him from a scene where his influence would be most deleterious. That a motive of this kind prompted this step is justly to be inferred from a letter addressed by the President to Henry Lee then Governor of Virginia, on the twenty-sixth of August. Lee had communicated language of Jefferson very "injurious" to Washington. His reply, while prudently expressing to Lee an opinion that this language ought not to be ascribed to Jefferson, from his knowledge of the untruth it conveyed, is far from evincing certainty in his own mind,

* Hamilton's Works, v. 606.

† Jefferson's Works, iii. 305. May 14, 1794.

that it had not been used by him. The President is seen at the same moment desirous to conciliate Patrick Henry, and to place Jefferson where he could do least harm.* Two days after the date of this letter to Lee, a communication was made to Jefferson by Randolph, offering to him a special mission to Madrid. † It was declined, Jefferson replying:—"No circumstances will evermore tempt me to engage in any thing public. ‡ I thought myself perfectly fixed in this determination when I left Philadelphia, but every day and hour has added to its inflexibility. It is a great pleasure to me to *retain* the esteem and approbation of the President, and this forms the only ground of my reluctance at being unable to comply with every wish of his. Pray, convey these sentiments and a thousand more to him, which my present situation does not permit me to go into."

* Henry Lee to Washington. Washington's Writings, 560. Ibid. Washington to Lee, 431.

† Edmund Randolph to Jefferson, August 28, 1794.

‡ Jefferson to Randolph, Sept. 7, 1794; Jefferson's Works, iii. 306.

NOTE.

In the "Life of Jefferson" by George Tucker it is stated—chapter xx. vol. i. 486, Contents:—"Mr. Jefferson *refuses a seat in the Cabinet,*" and in the text, 487: "In September, during the pendency of this commotion, Mr. Jefferson received a letter from Mr. Edmund Randolph, the Secretary of State, by express, which found him in bed, under a severe attack of rheumatism, *inviting him to resume a place in the public councils*, but the invitation was peremptorily declined."—In confirmation of this statement, a passage is quoted from a letter of Jefferson's of Sept. 7, 1794—below, B.

In the "Life of Thomas Jefferson" by Randall ii. 244, this statement is seen:—"It has often been claimed that on the retirement of Jefferson the President not only gave up, but willingly gave up, all further attempt to *maintain* a balance between parties in his Cabinet, that tired of the struggle, he purposely allowed the Federalists the ascendancy, and this too, while Ham-

ilton himself remained to dictate terms to the majority. This is wholly untrue. In the very height of the Pennsylvania disturbances, he made an effort, through Randolph, *to procure Jefferson's return to his former place in the Cabinet.* The communication appears to have been sent by express, and it received the following reply: "The subjoined letter of Jefferson's, marked B, of the 7th September 1794, is the reply quoted in evidence.

The entire improbability of an invitation by Washington of Jefferson into his cabinet—at such a time—"in *the very height of the Pennsylvania disturbances,*" may be inferred from the significant language of Washington in his letter to Hamilton as to a proclamation enjoining obedience to the Excise act. "As the former proclamations on similar occasions have been countersigned by the Secretary of State, I have for that reason, *and for another which has some weight in my mind,* thought it best not to depart *in this instance* from the precedent which has been set, and therefore * * * I dispatched by express the proclamation to Mr. Jefferson for the purpose above mentioned." *

This matter is not, however, a matter of inference. The letter of the 28th August 1794 was *not* "an effort to procure Jefferson's return to his former place in the Cabinet, but, as stated in the text, an offer of a *special mission* to Spain.

The letter of Edmund Randolph to Jefferson of the 28th August 1794, is on file in the Department of State. The parts omitted, refer to matters (it is stated) "not proper to be disclosed," appertaining to the relations of the United States with Spain, and for this reason, not furnished by the Department.

A.

Extract from letter, Philadelphia, August 28, 1794.

"THOMAS JEFFERSON ESQ., Monticello, Virginia.

"DEAR SIR: Notwithstanding you have fenced out from the purlieus of Monticello every thing which assumes a political shape, you must permit me to bring before you a subject once extremely near to your heart, often the employment of your pen, and always a deep interest to the United States.

"The delays and evasions which you know to have been practised towards our Commissioners at Madrid, have at length terminated in an absolute stagnation, as you will discover from the inclosed letter of Mr. Jaudennes. * * * * He (the President) has therefore resolved to send to Madrid a special envoy, charged with powers adequate to the occasion. * * * *

"Motives public and personal induced the President to designate you for this distinction. He did indeed feel some hesitation in instructing me to offer

* Sept. 16, 1792. Hamilton's Works, iv. 312.

it to you, as your ardor for retirement has predominated in all your late arrangements.

"But he yielded to this consideration, that from the declaration of Mr. Jaudennes, and the actual position of our affairs with Spain, your separation from home could not be of any considerable duration.

"Will you therefore suffer me to say to the President, that it would not be unacceptable to you to undertake this important office?

"For myself I see reasons, to wish your acceptance, derived from very interesting sources. * * * *

"I could extend the expressions of the President's desire for your acceptance to a degree truly honorable to you, being sincere in him. I could add my own private anxiety to the same effect.

"But the present overture is from its nature a more satisfactory testimony of his esteem, than any language can make it; and my individual entreaty would not deserve to be counted in such a case. I omit the mention of emoluments, although they will undoubtedly be stamped with dignified propriety, because their rate would not be sought after in the forming of your resolution. * * * * I have the honor to be with great and constant esteem and respect,

"Your affectionate friend and servant,

"EDM. RANDOLPH."

To this letter Jefferson replied:

B.

"TO THE SECRETARY OF STATE.

MONTICELLO, September 7, 1794.

"DEAR SIR: Your favor of August 28th finds me in bed under a paroxysm of the rheumatism which has now kept me for ten days in constant torment, and presents no hope of abatement. But the express and the nature of the case requiring immediate answer, I write to you in this situation. No circumstances, my Dear Sir, will evermore tempt me to engage in any thing public. I thought myself perfectly fixed in my determination when I left Philadelphia, but every day and hour since has added to its inflexibility. It is a great pleasure to me to retain the esteem and approbation of the President, and this forms the only ground of my reluctance at being unable to comply with every wish of his. Pray convey these sentiments, and a thousand more to him, which my situation does not permit me to go into. But, however suffering by the addition of every single word to this letter, I must add a solemn declaration that neither Mr. J. nor Mr. M. ever mentioned to me one word of any want of decorum in Mr. Carmichael, nor any thing stronger or more special than stated in my note of the conversation. Excuse my brevity

my Dear Sir, and accept assurances of the sincere esteem and respect, with which I have the honor to be your affectionate friend and servant,

"TH. JEFFERSON."*

After *such a deliberate, designed misstatement as this is seen to be*, it cannot be necessary to trace the frequent inaccuracies of these works. The stamp is ineffaceable.

* Jefferson's Works, iii. 305. Randolph edition.

CHAPTER CXI.

In addition to his own official duties, in consequence of the absence of the Secretary at War, that, of organizing the detachments of militia into an army, now devolved upon Hamilton.

He wrote to his fellow soldier Lee, then Governor of Virginia requesting him to accept the chief command, proposing Colonel Carrington as Quarter Master General, and intimating the possibility of himself acting with the army in a subordinate station.

In the selection of Lee he was not only actuated by the known enterprise of that gallant officer, but by the more cogent motive of exhibiting Virginia in active co-operation with the General Government, and thereby checking the intrigues of the partisans of Jefferson.

While thus busily engaged, his private correspondence shows his mind agitated by other causes. The child, to restore whose health he had made a recent excursion, still continued ill. Day after day he wrote his wife at General Schuyler's giving the most endearing evidence of the tenderness of his affections. He left Philadelphia soon after to attend this child, but an express from the President advised him of the urgency of the public affairs, and compelled him suddenly to return.

His Report on the Insurrection details its progress as

far as intelligence had been received at the seat of Government, on the fifth of August. The conjecture then expressed that the mail had been robbed by the Insurgents was confirmed. Letters from the Inspector of the Revenue and from other officers of the Government being intercepted, narrating the recent violences, a CIRCULAR * was instantly addressed to the militia officers of the Insurgent counties, informing them that these letters contained secrets hostile to their interests, and that it had come to that crisis, that every citizen must express his sentiments, not by his words, but by his acts. They were invoked as "citizens" of the "WESTERN COUNTRY to render their personal services with as many volunteers as they could raise, to rendezvous at Braddock's field on the Monongahela, with arms and accoutrements in good order." "An expedition was proposed, in which you will have an opportunity of displaying your military talents, and of rendering service to your country."

The immediate object of this expedition was an attack on the garrison at Pittsburgh and the seizure of its arms; —the ultimate design—the establishment of a tramontane STATE, separate from and independent of the Union.

To support the courage of the well affected in this remote region, Hamilton meanwhile was writing urgent letters to an officer of the army stationed at Pittsburgh.†

* This Circular was signed among others by Bradford, a native of Maryland, recently Deputy Attorney General of the State—previously a member of the Virginia Legislature; and by Marshall, then Register of Washington County. Such men must have felt assured of the connivance of the State Government. The other signers were Canon—Parkinson—Fulton—Speers and Lockey. Bradford urged, as a motive for this Circular, that the only mode to secure immunity was to involve the whole Western Country in the controversy.

† H. to Isaac Craig, D. Q. M. G. Major in Proctor's artillery, Aug. 16, 1794.

"The keeping of the arms and stores out of the hands of the Insurgents is a matter of great importance." * * * "The friends of government may depend that it will not be wanting to its duty and interests upon this occasion. Can there be any doubt of the sufficiency of its means?"—"The friends of Government at Pittsburgh ought to rally their confidence, and, if necessary, to manifest it by acts. They cannot surely doubt the power of the United States to uphold the authority of the laws; and they may be assured, that the necessity of doing it, towards preserving the very existence of Government, so directly attacked, will dictate and produce a most vigorous and persevering effort, in which the good sense and love of order of the great body of the people authorize a full expectation of their hearty co-operation." *

In order to reach Braddock's field, the militia of Washington county, warm in the party of the Insurgents, were obliged to cross to the east side of the Monongahela. They advanced, clad in their yellow hunting shirts, their heads bound with kerchiefs, the dress they wore in their conflicts with the Indians, which kept up, in this wild hardy frontier population, a temper little less than savage.

Bradford stood on the bank, reviewing these battalions as they crossed. In one circle, the party who had burned the Inspector's House were seen, each with his rifle, venting their rage against its defenders, deploring the death of their leader; threatening the commandant of the garrison of Fort Fayette for the aid he had granted. Loud cries were heard of "Tom the Tinker with his bearskin budget."—His "iron was hot, his hammer was up—he would not travel the country for nothing." †

* Hamilton's Works, v. 12, 15. Aug. 25, 1794, H. to Major Craig.

† The title of a popular Incendiary writer.

Seven thousand men assembled in the course of the day, and encamped for the night. Here there was little sleep, for though the firing of musketry had ceased, the night was spent by groups, gathered near the range of fires, in earnest discussion, and mingled menaces. In the morning, deputies from each regiment were convened in a lone wood. Bradford read the intercepted letters, directing their fury against the authors. The question was put as to their treatment. Some denounced them with death. Others sought to soothe the irritation. Officers were now appointed. Bradford and Cook, Generals. The drums beat, and the line of march to the fort was taken. This small work was a quadrangle with bastions stockaded, and a block house on two of the angles, each armed with a small piece of artillery. Weak as it was, the commander was Colonel Butler, a resolute soldier. To a demand for its surrender, he replied with a determination to hold it at every peril. Meanwhile, to alarm the inhabitants of Pittsburg, a noisy follower rode through the town, with upraised tomahawk, threatening the friends of order. The Insurgents paused at the moment of danger; and, after a short parley, the larger number, dissuaded from their purpose, recrossed the river, leaving a few of the more determined, who, in detached parties, fired, during the night, the habitations of those who had supported the laws.

The flight* of the authors of the obnoxious letters and

* The system adopted by the Insurgents of *exiling* the active friends of the government, drew from Hamilton a suggestion of counteraction. He wrote to R. King from "Jones Mill," Oct. 30, 1794: "A law regulating a peace process of outlawry is also urgent, for the best objects of punishment will fly, and they ought to be compelled by outlawry to abandon their property, homes, and the United States. This business must not be skimmed over. The political putrefaction of Pennsylvania is greater than I had any idea of.

the pretended concurrence of the townsfolk in the objects of the Insurgents saved Pittsburg from destruction.

The irritation was not allayed. The house of the deputy inspector for Westmoreland and Fayette counties was burned, by an armed party, the officer flying at their approach.—Another incursion was made into Bedford. Cumberland and Northumberland were not quiet, and the disaffection was seen to have extended to adjacent parts of Virginia and Maryland.

Encouraged by the increasing excitement, to induce greater concert, Bradford distributed letters urging a meeting at Parkinson's ferry on the fourteenth of August. Here were assembled a large number of delegates from the Insurgent counties. They met in a grove on lofty ground overlooking the Monongahela, a rude gallery of stumps and fallen trees being raised for the spectators, of whom some were armed. In view of this meeting, as though suspicious of some of their leaders, a liberty pole was erected; and on its red flag, with six stripes—one for each insurgent county, floated the inscription, "Liberty and No Excise!—No Asylum for Traitors and Cowards." Of this convention, Cook was Chairman—Gallatin Secretary. Violent discussions occupied the day. The meeting adjourned for the night, during which the general cry was "War."

In the morning, to give form and direction to their treasonable designs, resolutions were offered—the first, in order to secure their safety from punishment, declaring that the citizens should not be removed for trial from their

Without vigor everywhere, our *tranquility* is likely to be of *very short* duration; and the next storm will be infinitely worse than the present one." The obnoxious letters are stated to have been from Colonel Neville to Gen. Morgan—Gen. Gibson to the Governor—also James Brison—Edward Day to Secretary of Treasury—Major Butler to Secretary of War.

vicinage. The second, to provide for and yet to defer action, appointing a standing committee of sixty members to be called "A Committee of Public Safety," whose office it should be, "to call forth the resources of the Western Country, to repel any attempts that might be made against the rights of the citizen, or of the body of the people."

Intelligence was now received of the approach of the Commissioners, and of the determination of the Government to enforce its authority. An immediate change was observed. Gallatin now felt they were on the verge of an abyss. Resolves would not stand the test of resolution.—The oppression of the poor by excises was no more thought of.—The dangers to liberty from "internal taxes upon consumption"—all were suddenly forgotten.—"Legal measures for obstructing the operation of a law," it was feared, would not stand the test of justice—sternly pointing to a prison and the gibbet.

After a short delay, on his motion * the offensive resolution was modified. The power of taking cautionary measures was conferred, but in vague and general terms. A pledge was given not to violate the *municipal* laws of the State, but accompanied with a denunciation of the Excise. A sub-committee of fifteen was also appointed, of which were Cook, Bradford, Gallatin and Breckenridge, to meet the Representatives of the government.

The Commissioners of the United States and of the State acting in concert, agreed to meet this sub-committee. They met at Pittsburg. The Commissioners announced the determination of the President to resort to force, and that the army was preparing to advance.

After some negotiation, they were asked, to declare

* On motion of Albert Gallatin "of taking such further measures, as the future situation of affairs may require; and in case of any sudden emergency, to take such temporary measures as they may think necessary."

in writing, what assurances would be deemed satisfactory. Three requisitions were made.—An explicit declaration by the Committee "of their determination to submit to the laws of the UNITED STATES, and that they would not directly or indirectly oppose the collection of the Excise;"—a recommendation by them "of a perfect and entire acquiescence" under the execution of those laws; a recommendation by them of the discontinuance of all violence, and that measures would be taken to ascertain the sense of the people. Should satisfactory assurances be made on or before the fourteenth of September, a promise was given, that "no prosecution for any treason or other indictable offence against the United States," would be commenced until the tenth of July next; and that, if the laws were obeyed until that time, "a general pardon and oblivion" would be granted. The Sub-committee agreed to call the Committee of Public Safety together earlier than the appointed day. The disposition of some of this Committee for accommodation becoming known, the inflamed passions of their followers were more excited. A charge of bribery was circulated. A party seized their arms; and, to control the action of the Committee of Safety, marched into Red Stone old fort* at the time they were assembled.

Bradford would have rejected instantly the proffered terms. The angered, earnest, misled population, still believing, as they had been taught by their leaders, that the Excise laws were unconstitutional and oppressive, were ready to sustain him. The only resource was to postpone the question for the night, and to induce the armed party to withdraw.

* Now Brownsville, near the junction of the Red Stone and the Monongahela.

The next day, relieved from the immediate pressure of his followers, and trembling before the insulted majesty of the Government, Gallatin urged submission. Bradford, of too proud and firm a temper to truckle at the first alarm of danger, opposed conciliation. He declared the people only wanted fire-arms. With these, they could obtain a victory over the militia army. Then they could establish an independent State.* The Committee of Sixty were divided in opinion. Shrinking from the responsibility of an open vote, it was proposed by Gallatin and sustained by those in favor of submission, that it should be by secret ballot. The ballot was taken, and, as was after ascertained, thirty-four were in favor of terms, twenty-three against them.

But the measure they themselves approved, they did not dare to submit to the people. As an only resource, a second sub-committee was appointed; and, as being more manageable, it was reduced to nine members, who were empowered again to confer with the Commissioners. This accomplished, the Committee of Public Safety adjourned not to meet again.

* Hugh H. Brackenridge to Tench Coxe, Pittsburgh, Aug. 8, 1794. After urging *delay* on the part of the Government, he wrote, "It will be said, this insurrection can be easily suppressed—it is but that of a part of four counties. Be assured, it is that of the greater part, and I am induced to believe, the three Virginia counties this side the mountain will fall in. The first measure, then, will be the reorganization of a new government comprehending the three Virginia counties, and those of Pennsylvania to the westward, to what extent I know not." * * * "Should an attempt be made to suppress these people, I am afraid the question will not be, whether you will march to Pittsburgh, but *whether they will march to Philadelphia*, accumulating in their course, and swelling over the banks of the Susquehanna like a torrent—irresistible and devouring in its progress. There can be no equality of contest between the rage of a forest, and the *abundance*, indolence and *opulence of a city*." * * * "An *application to the British is spoken of*, which may God avert. But what will not despair produce."

Whether to avoid a further and embarrassing responsibility, or, excluded by suspicion, Gallatin was not included in the Committee of Nine. On the first of September a meeting was held by it with the Commissioners, who reinsisted upon the terms they had in vain proposed to the Committee of Sixty. The new committee begged further delay, until the tenth of October, to submit the question to the people. The hope doubtless was to defer a decision so late in the year that the army would be deterred from advancing. The Commissioners rejected the proposal, on the ground, that it was not within their authority; and required that the sense of the people be taken in the townships and election districts, and a return of the votes be made on the sixteenth of September. The following day, this offer was accepted.

Under this arrangement meetings were held in the different localities and with differing results. The representatives of Fayette County in the Committee of Public Safety, previously held at Parkinson's ferry, met at Union town. Here, they resolved,* to propose to the people merely the question of submission, but at the same time they agreed themselves, to the declarations which had been required of the Committee of Sixty, and annexed to them an ADDRESS to the people, exhorting them to submit,—appealing to their sense of duty and their "fear of the army." Gallatin presided at the taking of the vote, and a large majority of this township appeared in favor of the amnesty. He stated, after the vote, that the "certain news of the assembling of the militia completed the work, and peace was restored." But, in other parts of the survey a violent spirit was manifested. At

* Gallatin's Speech in Legislature of Virginia, p. 19. Pittsburgh paper 4811, Oct.

the forks of Yough, a proposal to permit a free discussion of the law, without incurring the danger of their houses being burned, was rejected, and a motion for submission was defeated. The parties separated with mutual threats. At Ohio town, resolutions denouncing the Funding System and the Excise; and urging concerted action between Pennsylvania and Virginia were mingled with commendations of Madison and Findley. In Findley's township, the declarations of submission were torn to pieces before any signatures were obtained. Elsewhere, the signers felt it necessary to enter into an association for mutual defence. In vain, the clergy implored the people to submit. Parties in masks were sent out to intercept the returns of the votes directed to the Commissioners. Many of the Insurgent leaders were denounced for abandoning their supporters; and, after a full effort to obtain the sense of the population, it was ascertained, that no alternative remained but an advance of the armed force.

"Nothing from the Western Country," Hamilton wrote,* authorizes an expectation of a pacific termination of that business. All the militia are going forward as fast as they can be got forward. Virginia, all below the mountains, is *zealous;* beyond, neutral in conduct and divided in affection. Jersey is also zealous; so are the eastern shore of Maryland and the town of Baltimore. Thence to Fredericktown a pretty good temper prevails; beyond that, a very insurgent spirit and some insurrection. In Philadelphia, an excellent and productive zeal, embracing all parties, has been kindled. A good spirit will generally pervade the old counties. But there is much bad leaven in the new counties, this side of, as well as, beyond the mountains.—Cumberland—Franklin—Mifflin,

* Hamilton's Works, v. 609; Sept. 17, 1794. Ibid. v. 31; Sept. 25, 1794.

and even Northumberland." A few days later, he again stated, there was "no appearance of submission to the laws, without the application of force." This opinion was confirmed by the return of the Commissioners to Philadelphia, two days after.

They reported, "that there was no probability that the act called 'an Excise Act' could be enforced by the usual course of civil authority; and that some more competent force was necessary to cause the laws to be duly executed; and to insure to the officers and well-disposed citizens that protection which it was the duty of Government to afford."

No doubt could remain as to the course to be pursued. The necessity of force was more apparent, from intelligence, that the disaffection was increasing; had extended beyond its previous limits; and had recently been communicated to Maryland.

Still anxious to avoid compulsory measures, Hamilton immediately drew a second Proclamation, which was issued the day after this report.

In solemn and earnest language, Washington, "in obedience to that high imperative duty consigned to him by the Constitution, 'to take care that the laws be faithfully executed,' deploring that the American name should be sullied by the outrages of citizens on their own Government; commisserating such as remain obstinate from delusion; but resolved in perfect reliance on that gracious Providence which so signally displays its goodness towards this country, to reduce the refractory to a due subordination to the law," commended the alacrity of the militia he had called out, exhorted acceptance by the insurgents of the proffered pardon, and warned the consequences of disobedience.

While Hamilton was looking with anxiety, though

with confidence, to the issue of this delicate and difficult emergency, advices were daily received of an approaching war with the "SIX NATIONS," whose advance to civilization is shown by the facts of their having urged a removal of the women and children of the frontier population, and by their promise to give notice before they commenced hostilities. Happily, the intelligence now received of the victory by WAYNE, apprized them of the power and energy of the Government.

It has been seen, that the Secretary of the Treasury, had early contemplated joining the expedition against the Insurgents. On the nineteenth of September he wrote to the President:—"Sir—Upon full reflection, I entertain an opinion, that it is advisable for me, on public ground, considering the connection between the immediate ostensible cause of the insurrection in the Western Country and my department, to go out upon the expedition against the insurgents. In a government like ours, it cannot but have a good effect for the person who is understood to be the adviser or proposer of a measure, which involves danger to his fellow-citizens, to partake in that danger: while not to do it, might have a bad effect. I therefore request your permission for the purpose.

"My intention would be not to leave this till about the close of the month so as to reach one of the columns at its ultimate point of rendezvous. In the meantime, I take it for granted General Knox will arrive, and the arrangements which will be made will leave the Treasury department in a situation to suffer no embarrassment by my absence; which, if it be thought necessary, may terminate about or shortly after the meeting of Congress."

The President had in the year ninety-two suggested an inquiry as to the propriety and expediency of his "repairing in person to the scene of commotion." As the

decision would depend on the importance of the occasion, no opinion was given; he consequently had not announced at the date of this letter any determination. But, soon after receiving it, he informed Hamilton, that he had concluded to proceed as far as Carlisle, there to determine whether he would continue with the army, and proposed that he should accompany him.

This request to be permitted to go on the expedition, which, it is perceived, was wholly independent of the President's determination to take the personal direction of it,* was, besides that stated in this letter, prompted by other considerations.

He felt not only an anxious desire by his presence "to promote in a case, not merely of great interest to his own department but to the government generally a course of conduct the best calculated to obviate impediments and secure its object; but serious fears of treachery in Mifflin, and the possibility, that in a service where great prudence was to be exercised, the ardour of General Lee might not be restrained by all the requisite caution." †

The adjacent States now presented an animating scene. On every side, volunteers were offering; and, led by officers of the army of the Revolution, pressed to the service. The militia of Maryland and Virginia, in which

* "The President will be governed by circumstances. If the thing puts on an appearance of magnitude, he goes—if not, he stays. There is a *pro* and a *con* in the case. If *permitted*, I shall, at any rate, go." Hamilton's Works, v. 610, to R. King.

† Randolph [Vindication, p. 94] states, that, he "represented to the President before he went how much Colonel Hamilton's accompanying him was talked of out of doors, and how much stress was laid upon the seeming necessity of the Commander-in-chief having him always at his elbow. I think it probable, therefore, I mentioned the fact (his request to go on the expedition) to show to the world, that Colonel Hamilton had not been solicited by you to follow him, and thus to countervail the idea of your absolute dependence on his counsels."

States, attempts were made to prevent the drafts, repaired to Cumberland, a small village situate at a point where a branch of the Potomac pierces the Alleghanies. Those of New Jersey under Governor Howel, and of Pennsylvania under Mifflin were to be concentrated at Carlisle.

This place had been the scene of a recent riot. Late in August a meeting was held to discourage the militia from serving, and it was publicly avowed, that a Revolution was necessary—that Revolutions always began by force, and that now was the moment for its commencement. The author of this seditious language, then in correspondence with Findley, was arrested by the Chief Justice of the State. His partizans, irritated at this prompt procedure, seized the opportunity to manifest their contempt of the laws—burnt this magistrate in effigy, and erected a Liberty pole inviting the people to choose between "Liberty and Death."

The leaders of the Insurrection now endeavoured by a new finesse to lull government by a representation that the country was in a state of peace and submission to the laws, and that the interference of an armed force was altogether an unnecessary expense. "I hope," Major Craig wrote, "this representation may be treated with that degree of contempt it so justly merits, for notwithstanding a few have taken the benefit of the amnesty offered by the Commissioners, yet several of them immediately after openly declared that *no excise man shall exist in this country.*" * * "It is evident from what we daily hear and see, that the weight of the Executive armament must be sensibly felt in this country before any law of the United States can be enforced." *

* Major Craig to General Neville, Sept. 26, 1794. "Exposure of Misstatements," p. 41. by Neville B. Craig. 1859.

Washington, accompanied by Hamilton, left Philadelphia the last day of September, and proceeded on his way to Carlisle, the scene of the recent outrage, being welcomed by the advancing troops with every mark of enthusiastic affection.

As intelligence was received of the advance of the army, the intimidation extended, but chiefly among the more guilty leaders. A meeting of these was held on the second of October at Parkinson's ferry. Here affright and guile were seen in concert. Findley and Gallatin were again conspicuous. Gallatin with others * agreed to resolutions, by which, they adopted for themselves the declarations of submission, required by the Commissioners.

At the same time Findley and Reddick were appointed to wait upon the President, "to explain to him the state of the Country and to detail circumstances to enable him to judge," whether the advance of an armed force was necessary.

Within a few days after, in the midst of this excitement, Findley and Gallatin were declared elected to

* "Gallatin and Smilie are trying to make their peace." Oliver Wolcott to Oliver Wolcott Senior, Sept. 23, 1784. "All the great * * * * * * * who began the mischief have submitted and become partizans of government. Findley, Smilie, Gallatin, &c., are of this class. The principles of justice and policy required that these men should be hanged, but as they have deserted their party, the punishment will fall on persons, less criminal and influential." Administration of Washington and Adams, i, 159, by George Gibbs.

Edmund Randolph wrote two days later to Monroe: "The result has been that every leading man has subscribed to the terms required by the Commissioners—that near 3000 men, above the age of sixteen, have submitted—that there is no real danger of an opposition in the field. However, the militia having been on their march, for some time, and it being certain, that altho' open resistance will not be found, the *laws cannot be executed* unless some degree of military force be at hand to support the officers, their movements have not been countermanded."

Congress,* and to the legislature.† Thus strengthened, as he hoped, by this renewed evidence of public confidence, Findley, with his colleague Reddick, set forth to meet the President.

Washington meanwhile had reached Carlisle. Here a large encampment had been formed. Tents were pitched at the base of the hills; and from the centre of a vast amphitheatre the President addressed the gathered multitude. Loud greetings followed, and at night an illumination blazed throughout the town. At this place, so changed in the direction of its feelings, Findley and Reddick now arrived.

Fearing for their personal safety, from the resentment of the troops, they spent the night three miles beyond the town, "passing for travellers going to Philadelphia." At sunrise, they waited on the President. Overawed by his calm, cold, majestic bearing, they presented the submissive resolutions, and withdrew. A hearing was given to them. Earnestly they sought to convince him of the restored quiet of the scene of disaffection, and to dissuade the onward movement of the troops.

This insidious advice, urged by one of the most inveterate and malignant of the opposition,—to accept an equivocal submission, and to retire the assembled force without accomplishing its object, received the merited attention. Washington was unmoved. During the conference, at which Hamilton was present and took part,

* Findley by Westmoreland and Fayette—Gallatin by Washington and Allegheny.

† A second time, Gallatin's election to the body in which he sat was pronounced illegal. The Legislature of Pennsylvania ordered a *new election*. The objection which prevailed there would have excluded him from Congress, but the seat was not contested.

every argument was used to weaken his purpose. In evidence of their sincerity, an overture was made, to take orders for securing offenders. If, in good faith, an overture by men, selected as intercessors, of the basest sort, if not, its only object must have been to apprize the culprits of their danger, and thus facilitate their escape. Forthwith it was rejected.* They were informed definitively that the army would advance.

Alarmed at the firm mien of the government, these men hastened to obtain more general and unequivocal pledges of submission, still hoping to present them to Washington, and to prevent the advance of the troops. On the twenty-fourth of October, another meeting was held at Parkinson's ferry. Here Findley and his associate again urged submission, stated the danger of irritating the army, adding assurances of pardon. Resolutions were now passed declaring that the Civil authority was "competent to enforce the laws, and to punish both past and present offences, as the people at large were determined to support every description of civil officers in the legal discharge of their duty." All persons, who had not come in and entitled themselves to the benefit of the act of oblivion, were urged immediately to surrender, and stand their trials. A pledge was volunteered "to unite in giving assistance to bring to justice such offenders as shall not surrender," and that the offices of inspection might immediately be opened. Findley, Reddick and two others were appointed to present these unqualified, but

* "The President declined sending forward *with us* or *others* orders for *securing offenders*." Findley's History of Rebellion, 180, 193. This feeble attempt at vindication conveys the idea, that the Secretary "himself contemplated and planned to promote the violent crisis which took place"—p. 300—"to excite an open rupture."

deceptive submissions. Of this meeting James Edgar* was Chairman, Gallatin Secretary.

Advices being received from Governor Lee, then at Williamsport,† the President proceeded from Carlisle to Cumberland, where the right wing was encamped, composed of the Virginia and Maryland militia, and thence to Bedford, whither the left wing—seven thousand strong—had moved. Hence, as his further presence was unnecessary, and the session of Congress was about to open, he returned to Philadelphia, leaving the general superintendence of the forces to Hamilton, and the immediate command to Governor Lee. On the eve of his departure, he gave a charge to Lee, prepared by Hamilton, in which, he pronounced the object of the expedition to be, "nothing less than to consolidate the blessings of the Revolution, which, at the expense of blood and treasure, constitutes us a free and Independent people."

At this post, Hamilton, by special order of the President, on the thirtieth of October, issued instructions to Lee for the march and conduct of this "Militia Army." "Leaders taken in arms were to be delivered up to the civil magistrates, the rest to be disarmed, admonished and

* Edgar had been of the State Convention to ratify the Constitution.

† From the Columbus Hesperian, Ohio, by Col. David Chambers, who, when a youth, arrived with the dispatches from Lee. "The President was at his quarters with Alexander Hamilton, Mr. Dandridge the President's private secretary, and others. As soon as it was known, that despatches had arrived from Gen. Lee, they were taken possession of and earnestly perused by Col. Hamilton, who seemed to be the master spirit. The President remained aloof, conversing with the writer in relation to roads, distances, &c. Washington was grave, distant and austere. Hamilton was kind, courteous and frank. Hamilton in person prepared answers to the dispatches, and with the most insinuating and easy familiarity encouraged the writer to carry out the purpose of the mission with despatch and fidelity, at the same time bestowed a douceur from his purse."

sent home." A scrupulous regard was to be shown to the rights of person and property; and a respect for the authority of the magistrates; taking especial care, to inculcate and cause to be observed, this principle, "that the duties of the army are confined to the attacking and subduing of armed opponents of the laws; and to the aiding of civil officers in the execution of their duties."

The Alleghanies were now to be ascended. On the twenty-first of October, the two light corps marched in advance. The body of the army moved the next day, the right wing under Mifflin, the left under Lee; the artillery, as a park, in the centre, where, the cavalry, "who though dangerous in the light, are impotent in darkness," were stationed at night. On the march, chosen parties of horse were ordered to follow in the rear of each wing, to arrest stragglers and to protect the property of individuals. The orders for each day's march, were prepared by Hamilton. Owing to recent heavy rains, the progress of the army had become "extremely arduous and distressing." Mountain after mountain of stupendous size rose before their anxious view, as beyond and all around them they beheld giddy precipices—overhanging cliffs—deep glades—far extending valleys, and headlong torrents contending for an outlet among the craggy, age mossed rocks—the whole, exhibiting the appearance of a vast magnificent ruin of years long gone by.

For many a mile, not a dwelling was to be seen, nor a sound to be heard, save the echo of the felling axe, or the cry of the startled wood birds before the tramp of the advancing troops, awed into silence by the dreary solitudes—a silence only broken by the sudden cries of returning scouts from amid the rude sequestered wilds, through whose forest depths the autumn sun scarce pierced its rare and broken rays.

To guard against surprise among these passes,* and to protect the country beyond them from devastation by these undisciplined levies, was a service of no less difficulty, than to restrain mutiny prompted by unexpected hardships. Hamilton was ever on the alert. While the bright gleams of early soldiership lightened his countenance, nothing escaped the vigilance of his eye. Holding no military rank, he was seen day after day mingling with the men, studying their tempers, rallying their spirits, relating stirring incidents of the Revolutionary War, while in the heavy hours of the night he traversed the camp, unattended, watching the sentries on their tedious rounds. On one occasion, he found a wealthy youth of Philadelphia, sitting on his outer post, his musket by his side. Approaching he reproved him. The youth complained of hardship. Hamilton shouldered the musket, and pacing to and fro, remained on guard until relieved. The incident was rumored throughout the camp, nor did the lesson require repetition.

The assemblage of any combined force of the Insurgents was deterred by various detachments, who seized the leaders and brought in numerous prisoners.

At the successive stations, Hamilton advised the President of their progress. "The right wing is fully in measure with the left. All is essentially well with both wings, and the troops continue to show as much good hu-

* Colonel Chambers states—"This then wilderness region was covered in many places with tall white pine forest trees, each as large as the mast of a man of war, and so thick, in parts, that the rays of the sun at noon could not strike the earth. These were generally known as the shades of death." He relates a subsequent meeting with Hamilton. "The writer was immediately taken by the hand and led with him as a guide to visit the troops encamped in the vicinity with all the familiarity and kindness of a father. Such a man was Alexander Hamilton, then Secretary of the Treasury and acting Secretary of War."

mor as could probably have been expected. The meeting at Parkinson's ferry ended, we are *told*, in a new appointment of Commissioners to deprecate the advance of the army, and in new expressions of pacific intentions. But there is nothing which can occasion a question about the propriety of the army's proceeding to its ultimate destination. No appearance whatever of opposition occurs." Again he wrote, "A person who came from Uniontown, yesterday, informs that Morgan with the advance was there, the main body about twelve miles behind. I propose in about an hour to set out for Uniontown. All announces trepidation and submission. The impression is certainly, for the present, strong; but it will be stronger, and more permanent by what is to follow. It does not appear, that any great number have fled." At this time, Findley and his colleagues, hesitating to proceed, were waiting, at "BONNET'S camp" in Westmoreland, Hamilton's arrival with the left wing, to present their new declarations of submission. First, they offered them to him. He looked over them, and not choosing to hold a parley, referred them to the Commander-in-chief. The next day, they reached the Head Quarters at Uniontown, and were received by Lee. After repeating their previous assurances, an interview was appointed for the following day. The same evening, Hamilton came up. In the after morning, in reply an address was delivered to them, entitled, "To the Inhabitants west of Laurel Hill" —the last summit which overlooks the table land of the far-extending West; admonishing them of the necessity of submitting to the laws, and renewing assurances of pardon. Thus, from the first to the last stage of its interposition, Power had the mien of clemency.

A few days advance beyond this post, Hamilton, on the third of November, wrote the President:—"The right

is to take a position with its left towards Budd's ferry and its right towards Greensburgh. The left wing is to be posted between the Youghiogheny and Monongahela, with its left towards the *latter*, and its right towards the former. Morgan, with his command, including the whole of the right corps, and perhaps a part of the brigade of cavalry, will go into Washington County. It is not unlikely in the course of the business, a part of the troops will take a circuit by Pittsburgh; for the more places they can appear in, without loss of time, the better."—On the eighth he again wrote: "The commander in chief has concluded to take hold of all who are worth the trouble, by the military arm, and then to deliver them over to the disposition of the Judiciary. In the meantime, all possible means are using to obtain evidence, and accomplices will be turned against the others. This step is directed by that principle of common law that 'every man may of right apprehend a traitor.'" *—"The bad spirit," he says on the fifteenth, "is evidently not subdued. Information is just received, that within the last three days a *pole* has been erected about sixteen and a half miles from this place on the road to Muddy creek. Measures are taken on the subject. But it is more and more apparent, that for some considerable time to come, a military force in

* As a history of this rebellion has been written by H. H. Brackenridge, it is important, in order to enable a just value to be placed on it, to quote Hamilton's remark in this letter to Washington:—"I hope good objects will be found notwithstanding many have gone off. *It is proved*, that Brackenridge did not subscribe till after the day, and that he has been the worst of all, * * The only question is how far the candor of the government, owing to the use made of him by the Commissioners, might be compromitted."—Hamilton's Works, v. 51, Nov. 8, 1794. Brackenridge states: "I was received by Hamilton with that countenance which a man will have, when he sees a person, with regard to whom his humanity and sense of justice struggles. He would have him saved, but was afraid he must be hanged."

this country is indispensable. To-morrow I leave this place for Pittsburgh. If nothing extraordinary happens, I shall leave that place for Philadelphia on the nineteenth. By that time every thing will have taken its shape."

Hamilton arrived at Pittsburgh with the Judiciary corps on the seventeenth of November, having left the army the preceding day.

During the latter part of the march he had been constantly engaged, obtaining intelligence of the Insurgents, receiving the submissions of those who had not fled, restraining the resentments of the militia, which these treasons had excited, and establishing the laws in a region, which now first practically acknowledged the supremacy of the General Government.

Having been present at the examination of some leading persons,* and in order to deter from subsequent excesses, having stationed a corps of observation under the command of General Morgan, in the most suspected district, after concerting the route of the main body homeward, on the nineteenth of November he wrote to Washington: "In five minutes I set out for Philadelphia."

Nothing could have been more gratifying than the result of this expedition.—A great body of misguided

* In a memoir on the Western Insurrection by James Gallatin, Philadelphia, 1858, this passage is seen: "A Court of Inquiry ('a Star Chamber') was established at Pittsburgh, composed of General Hamilton, General Knox and Judge Peters." This is wholly erroneous—no Court of Inquiry was established—Hamilton was not a member of any court of any kind—Gen. Knox was not with the army, but was at Philadelphia. The examinations were before Judge Peters, the District Judge of the United States for the Pennsylvania District—Hamilton, in behalf of the Government, as counsel, examined some leading persons. This invidious charge against him would not probably have been made, had the author of it been aware that both publicly and privately Hamilton stated, that, Gallatin was indebted to his interposition for his life. "I saved his neck."

rebels restored without bloodshed to the dominion of the laws; a contemplated severance of the Union defeated; and a strong impression made, that in the affections of the people the Government possessed a safe reliance adequate to its support. "The army conducted itself with *unexampled discipline and tenderness* to an offending country, and manifested a temper equalled only by the spirit which roused them in defence of the laws and Constitution." *

An intelligent officer from Virginia writes: "All accounts from the scene of the late insurrection agree that the measures which have been pursued have been as successful in their issue, as they were wise in their commencement. * * * Our returned troops agree, that a less force † than was called forth would have been opposed, and that a small army could have effected nothing but the establishment of a civil war. The propriety of a force being left in that region is supported by the same authority." "You do not feel more sensibly than I do," Colonel Carrington wrote, "the critical situation in which we stand, nor, are you more thoroughly convinced that the Southern politics have a tendency, a limited one I hope, to a severment (of the Union), which cannot be taken into prospect by any man who feels the pride of a free American, but with chagrin and humiliation. * * *

* Judge Addison to General Lee, Nov. 23, 1794.

† "It would be too much to say that a Revolution was crushed in embryo, but I will say with boldness that what I was afraid might cost 100,000 lives was repressed without the loss of one." Brackenridge remarks: "It has been said, because there has been no horrid battle, there was no necessity for so strong an army. But it was the display of so strong an army that rendered unnecessary anything but the display of it." Brackenridge's account of the Insurrection—from which many of the facts are taken—p. 83. Randolph to Monroe: "The laws cannot be executed unless some degree of military force be at hand to support the officers. Their movements have not been countermanded."

I most heartily reëcho your opinion that good men should come forward, and set their faces against the ills which await us." *

The efforts of the opposition to excite the prejudices of the people against Washington and Hamilton had been redoubled during their absence from the seat of government.

The former was charged, with exceeding his Constitutional powers in taking the command of the army. The latter was assailed, for having, under the pretext of enforcing the laws, concealed a covert design to raise himself above them.

In reply to a letter from the President, alluding to these aspersions, Hamilton observed: "I am the more indifferent, as experience has proved to me (however it may be in ways which I could not *allege* in my justification), that my presence in this quarter, was in several respects not useless. And it is long since, I have learned to hold popular opinion of no value. I hope to derive from the esteem of the discerning, and an internal consciousness of zealous endeavors for the public good, the reward of those endeavors."

* Hamilton's Works, v. 614.

CHAPTER CXII.

Congress had adjourned to the fourth of November, but a quorum of both houses was not formed until a fortnight after. In the interval, the House passed upon its rules and orders—among which was an order for the appointment of a standing committee on claims. The labor of investigating private claims had been previously imposed upon the Secretary of the Treasury, which, as it was performed by him with great care, had become extremely irksome. He remonstrated, and this new rule was made.*

The speech was delivered by the President on the nineteenth of November.

Its leading topics were—the recent insurrection; a revision of the militia system;—the fortifications;—the late victory of Wayne, and the adoption of a definitive plan for the redemption of the Debt.

It has been seen to have been Hamilton's policy to present fully to the people every fact necessary to enable them to form a correct judgment of the object and character of the Excise laws;—of the motives and progress of the Insurrection; and of the measures resorted to for its suppression. That the powers of the Constitution were adequate to the emergency he did not doubt; the only

* In 1854 Congress established "a Court of Claims"—its decisions subject to their revision.

question was,—would the people, misled as they had been, sustain its authority.

To diffuse more general and authoritative information on this subject, the Secretary of the Treasury had promulgated his elaborate report. The same consideration prompted a departure from the brevity which had wisely marked the former Executive communications, and the President in his Speech gave a "cursory detail of facts." The progress of the discontents was first briefly related; it being stated, that "from a belief by a more formal concert that the operation of the excise laws might be defeated, certain self-constituted societies assumed the tone of condemnation."

His personal observation and information were then said, to have manifested, "the necessity of the measures" taken, "it being now confessed by those who are not inclined to exaggerate the ill conduct of the Insurgents, that their malevolence was not pointed to a particular law, but that a spirit inimical to all order, actuated many of the offenders." To keep down this spirit, "the stationing of a small force for a certain period" in the disturbed regions was recommended as indispensable.

Having passed an encomium on the militia, "preëminently distinguished, as the army of the Constitution,"—he invoked his fellow-citizens, "to persevere in their affectionate vigilance over that precious depository of American happiness." "Let them also," he said, with an affecting appeal, "Let them also cherish it for the sake of those who from every clime are daily seeking a dwelling in our land; and when, in the calm moments of reflection they shall have retraced the origin and progress of the insurrection, let *them* determine, whether it has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth, that those

who rouse, cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies, and accusations, of the whole Government."

As to the public debt, it was observed, that "nothing can more promote the permanent welfare of the nation, and nothing would be more grateful to their constituents, than to place the public credit on grounds which cannot be disturbed; and to prevent that progressive accumulation of Debt which must ultimately endanger all governments."

The state of the foreign relations was reserved for future communications; it being succinctly announced, as the policy of the Administration, "to cultivate peace with all the world, to observe treaties with pure and absolute faith;—to check every deviation from the line of impartiality; to explain what may have been misapprehended; and correct what may have been injurious to any nation; and, having thus acquired the right, to lose no time in acquiring the ability to insist upon justice being done to ourselves." The "devising and establishing of a well regulated militia," an increase of the fortifications, measures previously suggested; "the improvement of harmony with the Indians;" and the adoption "of a definitive plan for the redemption of the debt" were recommended.

The Senate, expressed the fullest approbation of these sentiments, and a marked and earnest censure upon the "self-created societies, whose proceedings were calculated, if not intended, to disorganize the government." It concurred in the proposed amendment of the Militia system, and acknowledged the merits of the gallant General and army whose victory promised a just and durable peace with the Indian tribes.

A motion of Burr to expunge the clause disapproving

the self-created Societies, failed; and an attempt to except Wayne from the commendation passed on the army was unsuccessful. This gallant officer had been a constant supporter of the administration.

The Address of the House was reported by Madison. As originally framed, acting in concert with Burr, he omitted to notice the recent victory of Wayne,—the allusion to the Jacobin Societies, and to the foreign policy of the administration.

This omission to approve a victory so important in all its consequences, whether viewed in reference to the security of the Western frontier, the extension of the National territory, the diminution of the public burthens, or to the final blow it gave to the projected expedition against the dominions of Spain, surprised the friends of the administration, and was an unprecedented departure from the previous policy of the Country.

To commend the gallantry of its armies, to quicken the sympathies of the people with their honor and true interests, to cherish the national pride, had been the great art of the counsels of the Statesmen of the Revolution. This policy had invigorated the courage, armed the fortitude, elevated the patriotism of the nation. It had been, as a rich fountain of glory and of safety, pouring forth its living waters and its golden treasures, when all around was parched, and barren, and desolate. It was a a policy not to be forgotten, and well and wisely did Washington deem it a pleasing duty to congratulate the country on its successes.

The Federal Senate warmly welcomed victory to the American banners. The Democratic House of Representatives, the popular branch of the Government, was silent.

To supply this extraordinary omission, Colonel Dayton, who had been among the number of the volun-

teers to Pittsburgh, moved a congratulatory amendment. Madison proposed in addition to this amendment, that, "Solicitous as we are for the preservation of peace with all nations, we cannot otherwise than warmly approve of *a* policy in our foreign transactions which keeps in view, as well the maintenance of our National rights, as the continuance of that blessing." He remarked, that it had been the wish of the committee to avoid the minutiæ of the speech, but as a desire was manifested to amplify particular parts, it might not be amiss to glance at the policy observed towards foreign nations.

This was felt to be an attempt to connect with a congratulation upon the military success, a sneer on the foreign policy of the administration. Hillhouse moved to alter it from an abstract to a direct approval,—which was resisted with great warmth. Madison was at last induced to withdraw his amendment, the friends of the Administration preferring silence to so equivocal an answer.

The success of the measures for suppressing the Insurrection had roused a feeling in the nation which could not safely be combated. It was again the humiliating but unavoidable policy of the opposition, as it had been with respect to Genet at the opening of the previous Session, to commend that which they disapproved; and, while affecting moderation, to prepare their stores and sharpen their weapons for a future conflict.

The correspondence of Madison and Jefferson of this period exhibits their deep mortification at the commanding position the administration now held before the people. On the tenth of November, Madison writes, "The Western Insurgents appear to have been brought, either by reflection or fear, to a perfect submission to the laws." Six day's later, he again wrote, "The Western scene is closed." * * * "Hamilton is still with the Army. You

will perceive his coloring on all the documents which have been published during his Mentorship to the commander-in-chief. When I first arrived here, the conviction ran high of a standing army to enforce the laws. It is said, the Militia will all return with the same doctrine in their mouths. I have no doubt that such an innovation will be attempted in earnest during the session, if circumstances should be favorable. It is probable, however, that the President will not embark in the measure, and that the fear of alarming New England will be another obstacle. * * * Ames is reëlected after the most unexpected exertions and calumnies in his favor; and according to the report, by the aid of bad votes." A minute statement follows of the results of various elections.

As emanating from and essentially connected with the preservation of the influence of France, and of the party hostile to Washington, the Democratic Societies were too important engines to be suffered to sink under public censure. That the President should have loaded them with the weight of his personal condemnation was a wound which the opposition deeply felt, but did not dare to resent.

Jefferson's reply is in marked contrast with his message to Washington in his letter to Randolph declining a mission to Spain, and manifests all the vehemence of one who had suffered a personal injury.* "The denunciation

* Jefferson's Works, iii. 307, Dec. 28, 1794. A MS. letter of Jefferson to Monroe of May 26, 1795 (*omitted* † in the edition printed by order of Congress,

† The Randolph edition of Jefferson's Works shows only *six* letters of Jefferson in 1794, and *seven* in 1795. The Congress edition shows nine in 1794 and the same number in 1795. An examination of the Press copies of Jefferson's letters in the State Department, is stated to show thirty-nine letters to have existed, written in June and July, 1794, and only three remaining—forty-three in September and October, 1794, and only four remaining—seventy-two in January, 1795, and only two remaining.

of the Democratic Societies is one of the extraordinary acts of boldness of which we have seen so many from the faction of monocrats. It is wonderful indeed, that the President should have permitted himself to be the organ of such an attack on the freedom of discussion, the freedom of writing, printing and publishing. . . . . With respect to the transactions against the Excise law, it appears to me, that you are all swept away in the torrent of governmental opinions, or that we do not know what those transactions have been." "We know of none which, according to the definitions of the law, have been any thing more than riotous. *There was indeed* a meeting to *consult about* a *separation.* But to consult on a question does not amount to the determination of that question in the affirmative, still less to the acting on such a determination. But we shall see, I suppose, what the court lawyers and courtly Judges, and would-be ambassadors, will make of it. *The Excise law is an infernal one.** The first error was to admit it by the Constitution; the second to act on that admission; the third and last will be to make it the instrument of dismembering the Union." . . . "I expected to have seen some justification of arming one part of the Society against another; of declaring a civil war the moment before the meeting of that body which has the sole right of declaring war; of being so patient of the kicks and scoffs of our enemies, and rising at a feather against our friends; of adding a million to the

and also in the Randolph edition) contains a still more violent philippic against Washington and Hamilton. "It answered the favorite purpose of *strengthening government and increasing the public debt, and therefore* an Insurrection was announced and proclaimed, and armed against and marched against but could never be found; and all this under the sanction of a name which has done too much good not to be sufficient to cover harm also."

* Infra, vol. iv. 449.

public debt, and deriding us with the recommendations to pay it if we can."

He further declared, that "the *misbehaviour* of persons" (the *treason* of the Insurgents) "had been taken advantage of to slander the friends of popular rights;—that every body had lost sight of them." He viewed "the abstract attempt on their natural and *Constitutional* rights in all its nakedness," and condemned it "as an *inexcusable aggression*."

Thus did he explain the statement of the Minister of France, "that the Western people imagined they had in the *bosom* of the government some *abettors* who might share in their grievances or their *principles*."

A letter of Madison received by Jefferson three days later* shows less depression. "The attack made on the essential and constitutional right of the citizen, in the blow levelled at the self-created Societies does not appear to have had the effect intended. It must be felt by every man who values liberty, whatever opinion he may have of the use or abuse of it by these institutions. You will see that the appeal is begun to the public sentiment by the injured parties. The republican Society of Baltimore set the example. That of Newark has advertised a meeting of its members. It is said, that, if Edward Livingston, as is generally believed, has outvoted Watts for the House of Representatives, he is indebted for it to the invigorated exertions of the Democratic Society of that place,† of which he is himself a member. In Boston, the subject is well understood, and handled in the newspapers on the Republican side, with industry and success. ——— Ames is said to owe his success to the votes of

* Dated Dec. 21, 1794. "Received Dec. 31," endorsed by Jefferson.

† City of New York. Watts by mistake for Watson.

negroes and British sailors, smuggled under a very lax mode of conducting the election there. Hamilton is to resign according to his own notification the last of February. His object is not yet unfolded. Knox [as the Shadow] * follows the substance."

While Washington avowed, he was "perfectly convinced, if these self-created Societies cannot be discountenanced, *they will destroy the Government* of this Country and that the daring and factious spirits which had arisen to overturn the laws, and to subvert the Constitution ought to be subdued"—a new society was formed in Carolina, under the name of "Madisonian;" and upon the individual thus complimented devolved the office of endeavoring to prevent their being discountenanced.†

Washington had deprecated the creation of these associations—he now spoke of them from a close observation of their influence. He applauded "the decided discountenance which the disturbers of public peace and order had met with in their attempts to spread their nefarious doctrines, with a view to poison and discontent the minds of the people against the government; particularly by endeavoring to have it believed, that their liberties were assailed, and that all the wicked and abominable measures that can be devised under specious guises are practised to sap the Constitution and lay the foundation of future slavery." "The insurrection in the Western counties of this State is a striking evidence of this, and may be considered as the first ripe fruits of the Democratic Societies."

* Brackets in the original.

† Two members of the Committee on the Address voted for inserting a clause of disapprobation.—*Madison* opposed it. Dunlap's Daily Advertiser, No. 1805.

"I did not expect it would come to maturity so soon, though I never had a doubt that such conduct would produce some such issue, if it did not meet the frowns of those, who were well disposed to order and good government, for can any thing be more absurd, more arrogant, or more pernicious to the peace of Society, than for self-created bodies forming themselves into permanent censors, and endeavouring to form their *will* into laws for the government of the whole. Is such a stretch of arrogant presumption to be reconciled with laudable motives, especially when we see the same set of men endeavouring to destroy all confidence in the Administration, by arraigning all its acts, without knowing on what ground or with what information it proceeds?" He then stated, that they were emanations from the Democratic Society of Philadelphia, "instituted by Genet for the express purpose of discussion, and to draw a line between the people and the Government, after he found the officers of the latter would not yield to the hostile measures in which he wanted to embroil this country."

To supply the omission in the Address, and to sustain the President's denunciation of these clubs, Fitzsimmons *

* "Dear Sir, Seeing the debates on the subject of Democratic Societies, I called at your house to state some facts.

"It is true, that the *opposition* to the Excise laws began from causes foreign to Democratic Societies; but it is well ascertained by proof in the course of Judiciary investigations, that the *insurrection* immediately is to be essentially attributed to one of those Societies, sometimes called the Mingo Creek Society—sometimes the *Democratic* Society. An early and active member of it commanded the first attack on Neville's House. Another active member of that Society, McFarlane, the second attack. Benjamin Parkinson, the President, and several other members of it, seem to have directed the second attack as a *committee*.

"This may be asserted as founded upon good proof and information re-

offered an amendment, "that in tracing the origin and progress of the Insurrection they entertain no doubt, that certain self-created Societies and combinations of men, careless of consequences and disregarding truth, by disseminating suspicions, jealousies and accusations of the Government, have had an influence in fomenting this daring outrage against the principles of social order and the authority of the laws."

It was moved to expunge the words "self-created Societies," when Giles proposed, that the Committee should rise, in order that, by the previous question in the House, the discussion might be avoided; "and thus its harmony would not be interrupted."

Failing in this, he entered into an investigation of the right of the Legislature to act as censors of public opinion, and declared that all Societies—"Philosophical, Philanthropical, and Religious would come under the censure;" asked if they meant to institute a code of ethics, and avowed that as a legislator he would not meddle with the freedom of opinion. He denied that the discontents had been produced by the clubs. "It is passing wanton laws—the Funding system—the Assumption and the Excise begot in darkness and raised in iniquity, that created the discontents."

It was replied, that the House had in their Address expressed opinions on other topics, why should they be silent on this? If they might approve the conduct of Wayne and his brave army, and thus conduce to the pub-

cently received, though it would not be consistent with decorum to name me. Make what use you please of this, and communicate it to other friends.

"Yours truly,

"A. HAMILTON.

"PHILADELPHIA, November 27, 1794.

"Thos. Fitzsimmons, Esq."

lic benefit, by stimulating to like virtuous actions; why not, when it might equally promote the public interest, repress vice by inflicting deserved censure? The motives —the objects—and effects were the same—the Public good.

The members who raised this objection had contended for the right of Congress to give its opinion in an answer addressed to a foreign sovereign on the policy of a foreign country: and had voted an eulogium on the Constitution of France, which the French soon after denounced, as inconsistent with their rights and liberties.—It was asked —was the Public Debt not in fact, the purchase of our freedom and independence? Yet it had been represented by these Societies, as wantonly and wickedly created by the Legislature, in order to destroy the pure principles of our Republican Government; and to substitute in its stead a vile aristocracy. The "Assumption" of the State debts had been denounced, yet it was a measure dictated by prudence, policy, justice and humanity, and indispensable to the national prosperity. The extent and height of that prosperity, contrasted with our previous prostration, proved the value and confirmed the wisdom of the Fiscal system.

These Societies had loaded the Administration with every species of slander and calumny. In Virginia,* the character of the President had been directly attacked; and the people were called upon to concert measures to prevent his continuance in office. They had denounced every man who assented to certain laws as a Tyrant, and declared that none would submit to them but slaves.

Colonel Scott remarked, that he had lived twenty-five years in the very midst of the place (Washington county) where the Insurrection broke out. He knew that there

* Democratic Society of Wythe County.

were self-created Societies in that part of the county, and he likewise knew that they had inflamed the Insurrection —for some of the leaders of these Societies had been the leaders of the riots. The Speech of the President and the letter of the Secretary of the Treasury were, in every particular, strictly true. He could not himself, "who was in the midst of the whole scene, have given a more candid and accurate account of it, than those officers had given." He added, "that these deluded people were objects of real pity. They were grossly ignorant, and had been persuaded by the utmost diligence of sedition, that the American government was, even in theory, the very worst in the world; and, that, in practice, it was executed worse than any government under the sun."

The opposition persevered in resisting the proposed amendment. It was lost in committee by a majority of two votes. On a motion to confine the censure to the Societies in the Western and adjacent counties of Pennsylvania, the House was equally divided; and upon the final question, there was a majority of eight votes against it. The Address expressed the concern of the House, that any misrepresentations should have produced the Insurrection, and dwelt upon the consolations to be derived from its issue as indicative of the attachment of the people to the vital principle that the will of the majority shall prevail.

Near the end of this discussion Hamilton, perhaps hastened in his return by a letter from General Knox, written at Washington's request, arrived at the seat of Government.*

The reply of the President, two days after, to this Address, marked and rebuked the insidious course of the

* On the 27th of Nov., the date of his recent letter to Fitzsimmons.

opposition. It expressed his anticipation of the concurrence of the House in the regret produced by the Insurrection; and observed, "that every effort ought to be used to discountenance what has contributed to foment it; and to discourage a repetition of like attempts. For, notwithstanding the *consolations* which may be drawn from the issue of this event, it is far better that the *artful approaches* to such a situation of things should be checked by the vigilant and *duly admonished* patriotism of our fellow-citizens, than that the evil should increase until it becomes necessary to crush it by the strength of their arm."

Every friend of temperate Liberty must appreciate the value of this admonition. As the theory of Republics proceeds upon a supposed enlightened public will, greater than it has hitherto been the lot of any people to enjoy, the instruments most efficient in misdirecting that will, and in giving it a premature and unequal action upon the Government, are the most deadly foes to freedom. It was in this view, that the Federalists felt it of vital importance that these self-created Societies should be discountenanced—their theory being as inimical to all lawful government, as their practices had proved subversive of it. The very object and the necessary effect of these Associations was to give an undue importance to Individuals, and to defeat the only process by which a community can exercise and preserve its rights,—the deliberate action of a responsible representation.

By giving vice a control over ignorance, they either obtain a preponderance over the laws; and introduce a reign of terror and of fraud into the public councils; or, failing in this, by the necessity which they produce, of greater energy in the government, increase its power. If they succeed in their ambitious aims,—their successful

leader is either obliged to resort to force to suppress the factions they have engendered, or to rely on a corrupt connection with them to maintain his supremacy. If defeated, the government becomes jealous and severe for its own protection, and often corrupt, in order to obtain other than its legitimate supports against their illegitimate influence.

The progress of these Associations in France had proved all that their theory would have suggested. They opposed the Government and produced a Revolution. A counter Revolution followed, and when a National Representation had been elected; this they again opposed until they restored the influence of their party. This influence raised Robespierre to unlimited power, of which they were the instruments; and when he fell, they would have joined his successors, but were at last suppressed.*

Their existence in America was coeval with the mission of Genet. Their influence raised that foreign agent to an importance which enabled him to dispute the ascendency over public opinion with Washington. They produced an Insurrection, tending to a dismemberment of the Union; and they imparted to political discussions a violence which long had an influence on the national character, accustoming the public mind to the grossest calumnies, and inspiring a confidence in their success by the proofs they gave of the facility with which false impressions can be made to prevail.

It was in allusion to these effects, that Ames remarked in the debate on this address:—"A moment is however due to the peculiar falsity of the two slanders on this

* A letter of Monroe, received at this time, was published by the Government, confirming fully its view of these associations.

body. The fears of the simple citizens have been startled with the fable that there is a monarchy party in this House and in the other. Look around, if you please, and decide whether there is one man who is not principled as a Republican, who does not think such a form adapted to our people, and our people to it; and who would not shed his blood and spend his last shilling against the introduction of monarchy? I persuade myself, Sir, there is not even one man here whom any member even thinks in his heart is to be suspected on that head.

"The other slander which has contributed to kindle a civil war, is the *paper nobility* in Congress; that the taxes are voted for the sake and carried solely by the strength of those who put the proceeds in their pockets. Is there a word of truth in this? On the contrary, there are probably not ten members who have any interest in the funds, and that interest very inconsiderable.

"Is it probable, therefore, that when the citizens have been led by calumny and lies to despise this Government and its ministers, to dread and hate it, that the Insurrection is not owing to the men and the Societies who have invented, or confirmed and diffused the slanders? When the rage of these passions broke out into a civil war, are those incendiaries innocent who inspired that rage, who nourished it from time to time with fresh combustibles, and who at last fanned it into an open flame? The fact is too notorious for any man to pretend ignorance, that the insurgents were encouraged to take arms by a delusive hope, that the Militia would not turn out against them. Had they believed the citizens were as firm for government as to their immortal honor they have shown that they are, would the folly or desperation of the Western people have proceeded to arms? They would not. But the self-made Societies had published, that the rulers

were tyrants, usurpers, and plunderers, abhorred by the people who would soon hurl them down. Let us pause to reflect what would have been the fate of America, if these paricide clubs had really succeeded in poisoning the public mind, as completely as they have attempted to do. The Western Insurgents would have found armies not to suppress, but to assist them. The fair edifice of Liberty, the palladium of our country, the world's hope, would be crumbled to powder."

After noticing the objections of the opposition to the proposed censure, he proceeded: "The question is simply, will you support your Chief Magistrate? Our vote does not go merely to one man and to his feelings. It goes to the trust. When clubs are arrayed against your Government; and your Chief Magistrate decidedly arrays the militia to suppress their insurrection, will you countenance or discountenance the officer? Will you even suffer this House, the country, or even one seditious man in it, to question for an instant whether your approbation and co-operation will be less prompt and cordial than his efforts to support the laws?

"Is it safe, is it honorable, to make a precedent, and that no less solemn than humiliating, which will authorize, which will compel every future President to doubt whether you will approve him, or the clubs? The President now in office would doubtless do his duty promptly and with decision in such a case. But can you expect it from human nature; and if you could, would you, put it at risk whether in future a President shall balance between his duty and his fear of your censure. The danger is, that a Chief Magistrate, elective as ours is, will temporize, will delay, will put the laws into treaty with offenders, will even ensure a civil war, perhaps the loss of the government, by the want of proper energy to quench

the first spark. You ought therefore on every occasion to show the most cordial support of the laws."

"This is the occasion. If it is dangerous to liberty, if it is against right and justice, against truth and decency, to adopt the amendment, as it has been argued, then the President and Senate have done all this."

These remarks were replied to by Madison in a speech, the purport of which was, to warn the Legislature of the danger this approval of the President's speech threatened. He said, that "he conceived it to be a sound principle that an action innocent in the eye of the law could not be the object of censure to a Legislative body. When the people have formed a Constitution they retain those rights which they have not *expressly delegated*. Is it a question whether what is retained can be legislated upon? Opinions are not the objects of legislation. You animadvert on the *abuse* of reserved rights. How far will this go? It may extend to the liberty of speech and of the Press. It is in vain to say that this indiscriminate censure is no punishment. If it falls on classes or individuals, it is a severe punishment. He knew nothing in the proceedings of the Legislature which warrants the House in saying, that Institutions confessedly not illegal, were subjects of legislative censure." "The Republicans," Madison wrote to Jefferson, "were considered by their opponents as victorious by the result in the House. The reply of the President is claimed by the latter as a final triumph on their side, and it is probable that so it will prove. You will easily conceive my situation in this whole business. It was obvious, that a most dangerous game was playing as to Republicanism. The insurrection was originally and deservedly odious. The Democratic Societies were represented as in league with it. The Republican party of Congress were to be drawn into an

ostensible patronage of these Societies, and into an ostensible opposition to the President. And by this artifice, the delusion of New England was to be confirmed, and a chance offered of some new turn in Virginia before the elections of the spring. If the people of America are so far degenerated already as not to see, or to see with indifference, that the citadel of their liberties is menaced by the precedent before their eyes, they require other advocates than they now have to save them from the consequences. Lengthy as the debate was, I took but little part in it." * Thus is Washington represented by Madison, as "menacing the citadel of American liberties!"

Without pausing to advert to the glaring inconsistency between the opinions avowed on this occasion by Madison and those expressed by him when the amendments of the Constitution were under discussion, Dexter, referring to Giles, observed, "That the strength of his understanding, like the intense heat of the sun, produced a vapor that obscured its own effulgence. One plain distinction is an answer to most of his reasoning and that of his colleagues. We do not contend for controlling or even animadverting on the rights of opinion or of publishing opinions. We wish only to call the attention of the Public to the abuses of those rights, and to the crimes such abuses have produced, which endanger the existence of those very rights and liberty in general—in order that the people, knowing the evil, may themselves correct it." As to the remark, that the proposed censure was a punishment, he observed, "it is a punishment in the abstract without an object punished." "These zealots for liberty of speech, these denunciators of denunciation seem to have regarded the exercise by Washington and by the

* Madison to Jefferson, Nov. 30, 1794.

government of liberty of speech for its defence, protection and support, as an invasion of their monopoly of calumny, not as the performance of his sworn duty, to the utmost of his judgment and power to protect the rights of the people, and preserve the Constitution inviolate." * †

A club established in Charleston had been adopted by the Jacobin Society of Paris.‡ It will be remarked, that, at the very moment when the leaders of the Democratic party were opposing the only means of bringing these clubs into disrepute, information was received of their abolition throughout the French dominions.

* Constitution of U. S., art. 4, sec. 8.

† Fisher Ames writes, referring to the "very interesting and singular debates of the week."—"The private history deserves to be known; that *the faction in the House* fomented the discontents without; that the clubs are everywhere the echoes of the faction in Congress, that the Speaker is *a member* of the democratic club, and gave the casting vote on adding certain words, which spoiled the clause. Being a member of the club, he voted, therefore, for his exculpation. Madison and Parker are honorary members." Works of Ames, i. 153.

‡ Extract of the Gazette Nationale or Moniteur Jacobin Society, Oct., 1793. Coupe De Louise in the chair.

The Republican Society of Charleston in Carolina, one of the U. S. of America, demand of the Jacobin Club its adoption.

Hauthier.—"We have spilt our blood for the establishment of American liberty. I think that the Americans ought to do the same for us before we grant them adoption."

A Citizen.—"Before engaging them to intermeddle in our war, it is necessary to understand one another, to come to an agreement with them. I do not see then a more efficacious way for the previous reunion, than an adoption of their society."

Collot De Herbois, after some general observations said, "Nevertheless we should not neglect the advantages which may arise from their advance. I conclude that we agree to this adoption."

The Charleston Club addressed compliments to Margourit the French Consul,—after he had issued commissions to privateers in defiance of the Proclamation of Neutrality.

CHAPTER CXIII.

Although the opposition in both branches of the Legislature had shown themselves unwilling to unite in the congratulations prompted by the victory of Wayne;—an event to which from the efforts to cast an odium upon the Administration for the defeat of St. Clair; and as they chiefly represented a section of the United States, where this victory was most beneficial, they might have been expected to have attached peculiar importance, yet, when the vote of thanks was brought to a distinct question, they did not dare to refuse them to the valor of their countrymen. They also concurred in a bill which authorized a detachment of militia being stationed in the Western counties of Pennsylvania; but the act granting an indemnity to the "officers and other citizens," who had suffered from the insurgents, they warmly opposed.

A motion was made by Nicholas to strike out the clause which extended the indemnity to other citizens. It was persevered in, although it was shown, that the whole property of one individual was burned for his having assisted in defending the House of the Inspector General; that a second, had suffered a similar injury for his hospitality to an Excise officer; and a third, because he had previously been employed in collecting the Excise, although he had relinquished his office before the disturbances began.

It was urged, that no means could have been devised more effectually to weaken the hands of the government. How could a *posse* be raised by any revenue officer, if individuals were informed, that, however meritorious an effort might be to sustain the laws, the government would refuse compensation for the injuries incurred? Who would hereafter venture to defend the life of an Excise officer, when the world had been told, that individuals do it at their own hazard? Who will hereafter admit an Excise officer into his house, if that house may be burned with impunity over his head? Had there been an entire silence, perhaps no evil would have resulted, but when the subject had been brought before the House by the President and debated at length,—so much notice attracted and so many hopes excited,—a direct negative would be the most impolitic step that could be imagined. Strong as were the considerations in favor of this indemnity, it was proposed by Madison, "to let the matter lie over until the next session, on the ground that its tendency would be to *encourage insurrections!!*" It ultimately passed by a majority of nine votes.* The reward of fidelity is not less a dictate of the gratitude than a maxim in the policy of nations.

The victory of Wayne and the suppression of this Insurrection which had caused an expenditure of more than a million of dollars, removed two of the obstacles to Hamilton's retirement from office.

The probability of a contest with Great Britain could alone have induced him to continue the sacrifice he was making of his ease and independence to the public interests.

Letters from Jay justified the expectations he had

* The whole amount voted was $8,500.

formed of a successful issue to the mission; and he now carried into effect the purpose he had long entertained.

Soon after his arrival at Philadelphia he announced this intention to the President,* and at the same time addressed the following letter to the Speaker of the House of Representatives:

"PHILADELPHIA, Dec. 1, 1794.—SIR: I beg leave through you to make known to the House of Representatives, that I have signified to the President of the United States my intention to resign my office of Secretary of the Treasury on the last day of January next. I make this communication, in order that an opportunity may be given previous to that event to institute any further proceedings which may be contemplated, if any there be, in consequence of the inquiry during the last Session into the state of this Department.

"With perfect respect,

"I have the honor to be, Sir,

"Your most obedient and humble servant,

"A. HAMILTON."

The result of the two former inquiries offered no inducement to his embittered opponents, to institute a third investigation. It was not attempted.

Among the enumerated powers conferred by the Constitution upon Congress, were those of establishing a uniform rule of Naturalization and uniform laws of Bankruptcy throughout the United States.

* "Philadelphia, Dec. 1, 1794.—SIR: I have the honor to inform you, that I have fixed upon the last day of January next as the day for the resignation of my office of Secretary of the Treasury.

"I make the communication now, that there may be time to mature such an arrangement as shall appear to you proper to meet the vacancy when it occurs. With perfect respect and the truest attachment, I have the honor to be, "Your very obedient servant."

Unsuccessful efforts had been made to exert the latter power,—its necessity having been strongly indicated by the conflicting legislation of the States. The former had been acted upon during the second session of the first Congress. All free white persons were entitled by law to be admitted to citizenship, who had resided within the limits and jurisdiction of the United States for the term of two years, on proof of good character, and taking an oath to support the Constitution.

A bill, repealing this law, was reported this Session by a Committee, of which Madison was chairman.

Aliens who had resided two years within the United States were still entitled to become Citizens; but an oath abjuring allegiance to foreign States was superadded to the conditions of their naturalization. All other aliens were required to declare their intention, and to take a similar oath of abjuration, three years before their admission as citizens, and to prove a continued residence of five years within the United States; the last of which must have been within the State or Territory in which the application for naturalization was made.

One amendment proposed was, that a residence of two years after such intention declared and renunciation made, should entitle the alien to pay the same tonnage duties as a citizen. This was rejected. Another amendment was offered by Giles, that any citizen who heretofore had, or hereafter should expatriate himself by the laws *of any State*, shall not again be admitted to the rights of citizenship, without a special act of Congress and of the State from which such expatriation had taken place. This amendment was not passed, probably from a reluctance to sanction by legislation the act of expatriation, and also from the consideration, that the power of naturalization was necessarily an exclusive power of Congress.

Another amendment was offered by Giles, which required an express renunciation of his title or order of nobility by any alien of that class, applying for citizenship.

From the circumstances and the manner in which this proposition was made, it was regarded as an attempt to confirm the calumnies which had assailed Washington for holding levees, and had imputed to his friends, the design of introducing a monarchy. After some debate in committee, the clause was withdrawn. It was renewed in the House by Giles, who had expressed, on its first introduction, doubts of its propriety.

To meet this intended imputation, Dexter moved a clause, that in case any such alien shall hold any person in slavery, he shall renounce it, and declare that he holds all men "free and equal." This clause he withdrew in the belief that Giles would also withdraw his amendment. But this appeal to popular prejudices was not relinquished. A debate of great asperity followed. If a serious view of the subject was to be taken, it was declared that this amendment was unconstitutional, as the prohibition of titles, was confined to those to be granted by the United States, or by foreign sovereigns to persons holding offices of trust or profit. It was unnecessary, because the act required an abjuration of all foreign allegiance, and an oath to support the Constitution—although the safe reliance was asserted to be the length of residence. But as a party appeal it was chiefly opposed. It was pronounced an ungenerous and unmanly attempt to create a suspicion, that those who voted against the clause were the friends of aristocracy. A member declared, that he would not have the call for the ayes and nays (which was to appear as a test of political theory) reversed. He would not wish to live at all, if he must live under such a despotism of opinion.

It was hoped by the opposition, that this discussion might divert attention from the Insurrection. With the same view, other topics were brought forward. A motion to reduce salaries was followed by another for reducing the pay of the Militia when in actual service. The State of Virginia, to gain popularity with those who had served in the recent expedition, and whose opinions it was feared might jeopard the ascendency of the Democratic leaders, had voted that their pay should be increased.

This motion preceded the discussion of a Report for the better organization of the militia,—a measure the necessity of which his observation, during the recent march, had strongly impressed on Hamilton.

The bill founded on this Report exhibits a coincidence with the views he early expressed:

"So far," he observed in the Federalist, "from viewing the matter in the same light with those who object to select corps, as dangerous, were the Constitution ratified, and were I to deliver my sentiments to a member of the Federal legislature on the subject of a militia establishment, I should hold to him, in substance, the following discourse: 'The project of disciplining all the Militia of the United States is as futile, as it would be injurious, if it were capable of being carried into execution. A tolerable expertness in military movements, is a business that requires time and practice. To oblige the great body of the yeomanry, and of the other classes of the citizens to be under arms for the purpose of going through military exercises and evolutions, as often as might be necessary, to acquire the degree of perfection which would entitle them to the character of a well-regulated militia, would be a real grievance to the people, and a serious public inconvenience and loss. . . Little more can be reasonably aimed at, with respect to the people at large, than to have them properly armed and equipped; and, in order to see that this be not neglected, it will be necessary to assemble them once or twice in the course of a year.

"But though the scheme of disciplining the whole nation must be abandoned as mischievous or impracticable, yet it is a matter of the

utmost importance, that a well-digested plan should, as soon as possible, be adopted for the proper establishment of the militia.

"The attention of the government ought particularly to be directed to the formation of a select corps of moderate size, upon such principles as will really fit it for service, in case of need. By thus circumscribing the plan, it will be possible to have an excellent body of well-trained militia, ready to take the field whenever the defence of the State shall require it.

"This will not only lessen the call for military establishments; but, if circumstances should at any time oblige the government to form an army of any magnitude, that army can never be formidable to the liberties of the people, while there is a large body of citizens, little, if at all, inferior to them in discipline and the use of arms, and who stand ready to defend their own rights and those of their fellow-citizens. This appears to me the only substitute that can be devised for a standing army, and the best possible security against it, if it should exist."

The Report stated, among the defects of the existing system, that there was no penalty to enforce the injunction of the law requiring the militia to arm and equip themselves;—as to the deficiency of arms, that the only solid resource to obtain a supply was, "the establishment of manufactories within each State;" as to the want of a provision to secure obedience to the call of the Executive, it urged, that any law which Congress should pass "should contain within itself all the necessary provisions for its complete execution." When the militia are in actual service they ought to be bound by the military code of the United States.

It closed with the suggestion, that, whether the existing "act is susceptible of such alterations and amendments, on its present principles, as will secure the advantages to be derived from a well-organized militia, or whether a *limited*, but *select* and *efficient* corps of militia, formed on the principle of rotation or otherwise, and taken from the classes least injurious to the industry of the community,

would not better fulfil that object, and at the same time better comport with economy, are questions which the wisdom of Congress alone is competent to decide."

A bill was reported, which proposed a division of the militia, to consist of all able-bodied white male citizens between the ages of twenty and forty into two classes.* The first of these, under twenty-five years of age, to compose the *Select corps*, to be exercised twenty days in each year for a term of five years; to be clothed and armed by the United States. The residue to compose the *Reserved* corps.

In Hamilton's view, the Select corps was to be of a "moderate size;" and Wadsworth, while he approved the principle of the bill, concurring in this opinion, stated, that "he did not wish for half, nor even a third part of the numbers, which this bill would place in the Select corps. He declared, that the existing Militia were worth nothing, and stated, that the bodies which had marched on the Western Expedition were not the militia of the law, but either volunteers, or men induced to serve by private influence. That such was not a force on which the Government could rely. In confirmation, Colonel Smith of Maryland observed, that the Militia "of the Southern States were useless for the professed purposes of the Institution. The officers would not have marched them during the late insurrection, if it had not been for a general idea that there would be no resistance."

The view taken by Sedgewick was in conformity with

* This is in conformity with the plan of Hamilton in 1783, except that it embraced all within the ages of twenty and *fifty*, and contemplated a third class—being volunteers from cities or incorporated towns, engaged for a term of eight years, not to exceed the proportion of one to fifty of the enrolled militia, and obliged, if war breaks out, to serve three years, and march where required.

Hamilton's. He said, that a complete and uncontrolled power over the militia was deposited in the National and State governments. The only question was as to the distribution of that power. To the former it was expressly delegated, to provide for the organizing, arming and disciplining the militia. To the States it was reserved, to appoint officers and to train the militia according to the discipline prescribed by Congress. "A reservation controlling a general grant should receive a strict construction.—"Training" was a more limited, less comprehensive term, than "disciplining," which comprehended all the means necessary to be employed to constitute the character of a soldier. "Training" is only a part of those means. It was not difficult to conjecture by what means this distribution of power between the National and State governments had crept into the Constitution. It would have seemed incongruous to have denied to Congress a complete control over the militia. But this power being granted, a laudable jealousy would excite an apprehension, that, at some future time, the militia might be neglected to afford a pretence for standing armies. This jealousy could in no other way have been so well quieted, as by authorizing the States by "training" to keep up the spirit of the militia. On this supposition, the constitutional distribution of powers in this instance was consistent, and dictated by rational reflection. When the militia should be called into the service of the United States, Congress were by the constitution to provide for their government. This was necessary to prevent a State, in case of disaffection, from defeating, under pretence of "training," the exercise of the general powers granted to this government.

Colonel Smith observed, that "training" implied chiefly teaching a man to handle his arms, to stand up-

right, to wheel to the right and left, and to march. A disciplined soldier must understand the duties of a centinel, the art of encamping, and many other things training did not teach. Congress are to take every necessary step to organize, arm and discipline the militia (officering excepted); they are to get the men in the field; when there, the State is to "train" them, to be the executive of the United States, pursuant to their rules.

"In ordinary cases, a certain specified portion of power is given by the Constitution to Congress, and all not specified is reserved to the States. In this matter, all the power is vested in Congress by the first part of the sentence, and a specified portion then reserved—to be construed so strictly, as to give to the States no constructive power to defeat any thing Congress should do on the subject, or prevent general and uniform laws from operating, by the interference of local and State regulations."

Great differences of opinion were exhibited by the friends of the Administration on this subject, and the bill ultimately failed. In order to ascertain public sentiment in relation to it, copies of it were directed to be extensively promulgated.

Another law introduced by Colonel Dayton passed. It conferred on the President, the power, without requiring the previous certificate of a judge, of calling the militia into service, and so continuing them until the expiration of thirty days after the beginning of the next session of Congress, in the several cases specified by the Constitution; and imposed penalties for disobedience to his orders.

No evidence appears from the journals of the question having been raised, as to who should be the judge of the existence of the exigency for calling the militia into ser-

vice. The dispensing with the certificate of a judge is decisive of the intention of Congress to confide this important trust to the Chief Magistrate of the Union, as Commander-in-chief, not only of the army and navy of the Union, but of the militia of the States, "when called into the actual service" of the United States. By vesting in him the discretion of exerting this power, whenever the contingencies designated in the Constitution should occur, he was constituted the sole and exclusive judge of the existence of such contingency.

It was reserved to a later period of American history to record the agitation of this question. It was then contended, that the Governors of the States were judges of the exigency, and were not bound by the opinion or orders of the President. This important matter was decided by the Supreme Court of the United States, which declared the President to be the sole judge of the happening of the exigency, and that his decision was conclusive. The duty of protection having been confided to the general government, the direction of the force entrusted to it, for that object, was necessarily given as indispensable to the execution of this trust.

It has been seen, that the care of procuring military supplies had been vested by law in the department of the Treasury. The necessity of a more efficient system had early presented itself to Hamilton's mind, and recent events the more indicated its importance.

On the second of December he submitted the following Report, which is valuable, not only as another evidence of his extensive agency in forming the establishments of this country, but for the important general principle which has since guided the policy of Congress with respect to the Executive officers:

"The Secretary of the Treasury has the honor respectfully to make the following representation to the President of the United States, in order that he may determine on the expediency of laying the subject of it before Congress.

"The procuring of military supplies generally is, with great propriety, vested by law in the Department of the Treasury. That Department, from situation, may be expected to feel a more habitual solicitude for economy than any other, and to possess more means of information respecting the best modes of obtaining supplies.

"It is however important that the particular arrangement should be such as to enable the Department to execute the trust in the best manner. This branch of business forms a very considerable one of the public expenditure. Including supplies for the Navy, it is so extensive as, to be well executed, would occupy the whole time and attention of one person possessing the requisite qualifications. This, with the growth of the country, must be every year more and more the case. It cannot, therefore, be conducted in detail by the head of the department, or by any existing officer of it, now charged with other duties, without being less well executed than it ought to be, or interfering with other essential duties, or without a portion of both these inconveniences to the material detriment of the public service. Experience has already verified the position.

"It must then, of necessity, either be confided to a special agent employed by the head of the Department, or to a new officer of the Department, to be constituted by law, and, to act under the discretion and superintendence of that head. The last mode is preferable to the first for obvious reasons.

"Wherever an object of public business is likely to be permanent, it is more fit that it should be transacted by an officer of the Government, regularly constituted, than by the agent of a department specially intrusted. The officer can be placed, by law, under more effectual checks. In the present case, that idea is particularly important. The person intrusted ought to be prohibited, under penalties, from all dealing on his own account in the objects of supply. The duration and emoluments of a mere agency being precarious, a well-qualified man, disposed to make the necessary sacrifices of other pursuits, and to devote himself exclusively to the business, could with much greater difficulty, if at all, be found.

"The compensation to such an officer ought, it is conceived, to

weigh nothing as an objection. Independent of the equivalent expense arising from the necessity of employing and compensating an agent, it is morally certain, that the close, constant, undivided attention of a person charged exclusively with this object, and in condition, for that reason, to make the minute as well as extensive inquiries and investigations which are often requisite, would produce savings to the United States, with which the salary of the officer could bear no comparison. It is equally evident, that it would contribute greatly to punctuality, despatch, and efficiency in procuring the supplies."

This Report was submitted by the President to the House of Representatives, but was not then acted upon. A bill to carry it into effect was introduced into the Senate and passed. After a feeble opposition by Nicholas, it also passed the House.

The repeated failures in the attempts to organize an efficient militia, indicated the necessity of maintaining the Regular army at least on its present scale; yet in the debate on the bill for continuing and regulating the military establishment, the hostility to it, before shown, again appeared.

The whole regular force of the United States amounted to three thousand six hundred and twenty-nine men. Of these, the terms of two-thirds would expire with the current year. The largest concentrated body was that under Wayne, not much exceeding two thousand. The remainder were stationed at various remote points along the frontiers. The bill proposed to complete the whole force, designated "the Legion," by enlistments for three years, to the number of four thousand eight hundred men. To counteract the opposition, the President had been called upon to state his views as to the force required.*

* Madison wrote Jefferson:—"The difficulty and difference of opinion as to 'the military establishment' produced a motion to request the President to cause an estimate of the proper defence, &c. It was, in its real meaning,

The impolicy of weakening the military arm of the National Government was indicated by several messages from him, covering reports from the War Department, showing the serious apprehensions of Wayne, that for want of a larger force, he would be compelled to abandon the posts he had recently established to hold the North-Western Indians in check, the insufficiency of the permanent force on the South Western frontier, and the immediate dangers which had induced the Governor of Georgia to keep a chain of posts along its extensive limits, many of which were garrisoned by militia.

Yet, by the opposition, such a force, so dispersed, was represented as a fit object of popular apprehension.

Nicholas moved that the "Legion" be reduced to twenty-five hundred men when a peace should be concluded with the Indians, which was lost by a large majority. Madison then proposed an amendment, "that the troops should be employed *only for the protection of the frontier.*" He was sustained by Giles, who declared himself against intrusting the President with any discretionary powers as to where the troops were to be employed.

This amendment was rejected, and was followed by a proposition of Madison, also intended to awaken the jealousies of the people, but which was likewise rejected by a great majority, "that regular troops ought not to be used against citizens for enforcing the laws of the United

saying, we do not know how many troops ought to be provided by our legislative duty and ask *your* direction." It was opposed, as opening the way for dragging in the weight of the Executive for one side in all party questions—as extorting his opinion, which he should reserve for his negative; and as exposing his unpopular opinions to be extorted at any time by an unfriendly minority. "The prerogative men chose to take the subject by the wrong handle, and being joined by the weak men, the resolution passed." Jan. 26, 1795.

States, but only for protection against foreign invasion, and the Indian tribes."

In the commentary on the Constitution,* while one of the principal arguments urged in its behalf was the less frequent necessity of resorting to force; it was explicitly stated, emergencies might happen in which there could be no other remedy; that while a slight commotion occurred in a State, "the militia of the residue would be adequate to its suppression." But, "that the means to be employed must be proportioned to the extent of the mischief," and that where "an insurrection should pervade a whole State, or a principal part of it," that "the employment of a different kind of force might become unavoidable." After stating the instances of Pennsylvania and Massachusetts having regular troops for this purpose, it is asked, "Why should the possibility, that the National Government might be under a like necessity in similar extremities, be made an objection to its existence? Is it not surprising, that men who declare an attachment to the Union in the abstract, should urge as an objection to the proposed Constitution, what applies with tenfold weight to the plan for which they contend, and what is an inevitable consequence of civil society upon an extended scale?"

If such an objection was surprising on the part of an enemy of the Constitution, what must have been Hamilton's surprise to find him, who had been one of his associate commentators, the first to propose so to limit the exertion of a power necessary to preserve that Constitution.†

* Federalist, No. 28, by Hamilton.

† March 3, 1807. Jefferson President, Madison Secretary of State. A law was enacted, authorizing the President, in cases of insurrection or obstruction of the laws of the United States, or of *any State or Territory*, to employ such part of the "*land* and *naval force*, as shall be judged necessary."

While the leaders of the opposition were thus occupied in thwarting the measures recommended by Washington, Hamilton, feeling the importance of impressing the people with religious ideas, performed the pleasing duty of inviting them to render thanks for the dangers they had escaped and the blessings they enjoyed. He draughted the following Proclamation, which was issued by the President on the first of January: *

"When we review the calamities which afflict so many other nations, the present condition of the United States affords much matter of consolation and satisfaction. Our exemption hitherto from the evils of foreign war, an increasing prospect of the continuance of that precious exemption:—the great degree of internal tranquility we have enjoyed; the recent confirmation of that tranquility by the suppression of an insurrection which so wantonly threatened it; the happy course of our public affairs in general, the unexampled prosperity of all classes of our citizens, are circumstances which peculiarly mark our situation with indications of the Divine Beneficence towards us.

"In such a state of things, it is in an especial manner, our duty, as a people, with devout reverence, and affectionate gratitude to bow down before the Majesty of the ALMIGHTY, to acknowledge our many and great obligations to HIM, and under a deep sense of his past goodness, to implore a continuance and confirmation of the blessings we experience.

"Deeply penetrated with this sentiment, I, George Washington, President of the United States, do recommend to all religious societies and denominations, and to all persons whomsoever within the United States, to set apart ———— next as a day of public Thanksgiving and prayer; and on that day to render their sincere and hearty thanks to the great Ruler of Nations for the manifold and signal mercies which distinguish our lot as a Nation, and particularly for the possession of Constitutions of Government, which unite, and by their Union establish, *Liberty with Order;*—for the preservation of our Peace FOREIGN and *Domestic;* for the seasonable check which has been given to a spirit of disorder in the suppression of the late insurrection, and gen-

* Hamilton's Works, v. 61.

erally for the prosperous course of our affairs public and private; and at the same time, humbly and fervently to beseech the KIND AUTHOR of these blessings graciously to prolong them to us, to imprint on our hearts a deep and solemn sense of our obligations to him for them; to teach us rightly to estimate their immense value; to preserve us from the wantonness of prosperity, from jeopardizing the advantages we enjoy by culpable or delusive projects; to dispose us to merit the continuance of HIS favors, by not abusing them; by our gratitude for them; and by a correspondent conduct as citizens and as men to render this Country more and more a safe and propitious asylum for the unfortunate of other countries; to extend among us true and useful knowledge; to diffuse and establish habits of sobriety, order, morality, and piety; and finally to impart all the blessings we possess or ask for ourselves to the whole family of mankind." *

* Madison states, that "in a marginal note of the Secretary of State to this Proclamation, it is remarked, 'in short, this Proclamation ought to savor as much as possible of religion,—too much of having a political object.' In a subjoined note in the hand of Mr. Hamilton, this remark is answered by the counter remark, that, 'a proclamation of Government which is a National act naturally embraces objects which are political.'" "So naturally," Madison observes, "is the idea of policy associated with religion, whatever the mode or the occasion, when a junction of the latter is assumed by men in power."

During the administration of Jefferson, *no* religious proclamation was issued; and Madison says, of himself, "It being understood that his successor was disinclined to such interpositions of the Executive; and by some supposed, moreover, that this might originate more properly with the legislature, a resolution was passed *requesting* him to issue a proclamation."

CHAPTER CXIV.

In the opening Speech, the President is seen to have dwelt upon the importance of a firm establishment of the Public Credit.

This injunction was particularly addressed to the House of Representatives, who were urged to adopt a definitive plan for the Redemption of the Debt; and in allusion to the past obstacles which the opposition had interposed, were informed, that "whatsoever is unfinished of our system of Public Credit cannot be benefitted by *procrastination*." This branch of the speech was referred to a Committee, of which Smith of South Carolina was Chairman. The Comptroller, during the absence of the Secretary of the Treasury on the Western expedition, reported the estimates for the year seventeen hundred ninety-five. The aggregate of these showed a demand for the public service of nearly three and an half millions of dollars, to be provided for out of the annual sum of six hundred thousand dollars, reserved from the proceeds of the impost and tonnage duties; and out of the surplus revenue, after satisfying other appropriations.

Though the revenue would equal the contemplated expenditure, it was urged, because of the credits allowed by law; and the pressing nature of certain demands (the Western expedition,) that the appropriations should be

accompanied with authority to borrow the requisite amount.

As Hamilton's intended retirement was known, one of the motives to embarrass the Treasury Department had ceased, and the appropriation bill passed. The act authorizing a loan met with feeble resistance, a proposal to defer acting upon it until the amount of outstanding balances due by individuals was ascertained, not being countenanced. A law was enacted, authorizing the transfer of stock standing to the credit of any State in pursuance of the report of the Commissioners for settling the accounts between the United States and Individual States, to such individuals as were creditors of those States, previous to the first of July seventeen hundred ninety-three, such State and its creditors assenting.

The President, also, was empowered to cause payment to be made, of the instalments of the foreign debt falling due in the course of the next year; and to apply a part of the proceeds of the foreign loans to pay the balance of a loan due to the Bank of the United States.

It will be recollected, that by the funding act, though the Government had the option of paying the redeemable part of the debt, it was only pledged to pay, at stated periods, the stipulated interest. The loose opinions of the Democracy as to the public faith had shown the early importance of making that, which was now optional, obligatory; and of superadding guards to prevent a diversion of the Sinking Fund. With this intent, the President's Speech had been framed, and on the fifteenth of December, Hamilton having in view the completion of his system of finance, suggested to a committee of the House of Representatives a "PLAN for the final REDEMPTION OF THE DEBT."

It stated, briefly, that the surplus of revenue beyond

the probable expenditure of the ensuing year, would enable the government to commence during that year, and to continue the payment of such part of the debt as it had a right to redeem.

To effect this, four Resolutions were proposed. First. The application of a sum, not to exceed six hundred thousand dollars, to the redemption of the Six per cent. stock; next, that the duties on manufactured Sugar and Snuff; on Licenses for retailing liquors; on Sales at auction; and on Carriages, should be continued in force until the year eighteen hundred one; and that their proceeds should be appropriated to the discharge of the debt—subject to the substitution of other duties or taxes of equal value;—that the act of the previous Session, laying additional impost duties, should be commensurate with the "Act making further provision for the debt," and that the surplus of Revenue, after satisfying all legal appropriations, ought to be annually appropriated to the purchase of the debt; and, as an auxiliary resource, that provision should be made for the SALE of the WESTERN LANDS.

The debate was opened with a review of the condition of the finances. After stating the amount of the public debt, and of the sum of which, by its constitution, the redemption could be immediately commenced; Smith * briefly surveyed the state of the revenue, after discharging a part of the debt—building the frigates—erecting fortifications, purchasing military stores—supplying the Western army, and suppressing the Western Insurrection. "While we exult at this flourishing aspect of our affairs, ought we," he asked, "to withhold our gratitude from those to whose steady policy and judicious arrange-

* Of South Carolina.

ments our country is, in no small degree, indebted for such blessings? He was happy, while he gloried as an American, in the unparalleled prosperity of his country, to tender his small tribute of approbation to those who had contributed by their wisdom and firmness to preserve the peace of our country; and to fill the coffers of our Treasury by an excellent system of administration—to the President, who had, at a most critical period, by his magnanimous conduct stemmed a torrent which was hurrying us away to a destructive war; and to the Secretary of the Treasury, whose unremitting and assiduous labors had given energy and system to the complex machinery of an extensive and intricate department, and to whose fidelity and services a large committee of this House had borne testimony, at the last Session."

These remarks were followed by a statement of the probable future revenue and expenditures; and by an examination of the question, whether the taxes ought to be coextensive in duration with the debt, or, if for a less period, for what term. The result was stated, showing a small annual deficiency,* until the year eighteen hundred; and after that period, a deficit of a million and an half of dollars, without the aid of the new internal taxes, which he contended were preferable to any others that could be imposed. He then urged the advantages of rendering the temporary taxes permanent; and of an immediate appropriation of the annually accruing surpluses to the purchase of the debt; and closed, by showing the propriety of immediately adopting a system for the sale of the public lands.

The first resolution was adopted; but the second, which was essential to the plan, encountered much opposition in all the stages of the debate.

* $324,000.

After the first day's discussion, Hamilton, to aid the action of the House, laid before them a statement of the amount of the receipts and expenditures. A memorial was at the same time presented by several tobacconists, hostile to the continuation of the internal duties to the year eighteen hundred one. This memorial was referred, and two Resolutions were reported,—one, that there was not sufficient experience of the utility of the act imposing duties on snuff and refined sugar to recommend a continuance of them;—the other, that those on snuff, instead of being levied on the article, ought to be laid on the mortar. The ready concession to popular clamor, evinced by the first of these resolutions, alarmed the friends of the public credit; and Smith moved, that the duration of these internal duties ought not to be limited to the year eighteen hundred one, but ought to be continued until other taxes were substituted for discharging the debt.

An earnest debate followed. The opponents of them asserted, that the duties on these articles had prevented their being manufactured; and that the real object was to perpetuate an Excise system, and gradually to extend it to all manufactures. Their advocates alleged, that sufficient experience had not been obtained to determine the utility of these taxes, they having been in operation only three or four months. There was no evidence that the consumption had diminished; and as to the suggestion, that the object was the perpetuation of an oppressive system of taxation, they asked, whether this charge could with most justice be preferred against those who were endeavoring to provide sufficient means to discharge the debt by raising adequate revenues, or against those who sought every pretext to refuse a grant of such supplies?

"The argument in favor of permanency," Madison observed, "had force as well as plausibility, but such

reasoning would operate against all experimental taxation." He denied, that the vote on this question would be a criterion of the disposition to pay off the public debt, as this branch of revenue, from its small amount, was of little importance. It would argue greater stability not to prolong the tax beyond the period first stipulated. Experience by that time would have assisted in forming a final opinion on the subject. A similar train of remarks was made by Findley, who, observing that the Country had other resources, was called upon by Ames, to state what taxes he had in view. He replied, that at a proper time he would determine—that "he hoped they both would be put to the test upon a question for a general and efficient DIRECT TAX. This he expected they would feel sensibly. It would not be rolling the burthen off their own shoulders, and it would more rapidly discharge the debt."

"The debt," Ames answered, "is unpopular, and this country would differ from every other if the imposition of taxes was not so also. Yet without sufficient revenues, the Government cannot reduce the debt, and therefore it was a choice between evils, or rather between the great evil of an undiminished public debt, and the inconvenience of those clamors which taxes never fail to raise. It is easy and natural to multiply doubts as to the plan of reduction, as well as to inspire repugnance and apprehension of the taxes. Before we proceed to discuss points on which we disagree, I hope we may state this as the groundwork of the whole, which, in theory at least, unites all opinions,—that we shall now settle a plan for applying year by year the whole strength of our revenues to pay the debt; that we shall sanction this plan by law; and give it energy by providing the funds for a sacred and unalterable application to the object. If the opposers of

this motion are unwilling to go this length, I confess they fall short of those with whom I am now acting, and on questions of finance have usually voted."

After alluding to the facility in other countries of creating debts, and their repugnance to the necessary efforts to discharge them: "I hope," he said, "I may be pardoned, if I say, and I would say it inoffensively, that the tone and sentiment of the opposition to the temporary taxes have not altogether convinced me that the United States are free from this inveterate malady of nations. It may be true, we have less to dread from debt than some nations. The amount is comparatively small, and the progress of wealth and population is daily lessening the burthen of every individual. Taxes, it may be said, powerfully stimulate manufactures and navigation, by their operation as protecting duties. But, although our husbandry, arts and trade have prospered under debt and taxes; although while the interest is duly paid, the Creditors have no claim to the principal, yet the motives to a reduction of the public burthens are too cogent to be resisted. Are we to hope for peace always? A blessing so great has hitherto been denied, perhaps in benevolence, as well as wisdom, to the prayers of devotion and the tears of philanthropy. Peace is the time to prepare for war, by extinguishing the burthens of the last war, by exhibiting, as a basis of present exultation and a ground of future confidence and credit, the novel spectacle of a great nation which has freed itself from debt."

"There is an auxiliary motive. The funding of the debt has unhappily proved an occasion of division and jealousy in the Country, and of acrimonious recriminations in the public assemblies. The debt was not augmented, it was diminished by funding, and almost none of the first Congress declared themselves opposed to the funding of

the Debt, though they resisted the 'Assumption.' The sin and odium, therefore, of the Funding system, as a measure, abstracted from the irredeemable quality, and of the 'Assumption' of the State Debts, ought to have been shared among all the offenders,—the Southern as well as the Northern members. Yet it has answered party purposes to represent the Eastern members as the patrons of a system of paper influence, of Treasury corruption, of certificate-nobility; that they have attempted and succeeded to pervert and stretch the Constitution, to organize and uphold systems of concealed aristocracy; that they deem the debt, as it promotes these vile purposes, a blessing; that they made it to oblige one another, and will not part with it; lest the popular principles of our government should prevail over the artificial and treacherous schemes and corrupt connections, which, as they derive their life from the debt, must impart life to it. I forbear, indeed I am unequal to the recital of all the infamous calumnies which have been vented on this subject. The language of insinuation and invective has been exhausted. The dictionary of vulgar abuse can add nothing to the opprobrium which has been attempted to be thrown on the friends of the Revenue and Finance systems. Do not the ears of gentlemen still tingle with these disgusting recollections? Can they think, without mingled emotions of indignation and surprise, how the labor has been to represent the Eastern members as the Authors, the Champions of the advantages of a funded Debt, while every vehicle by which the public could be misled, has teemed with declamation, that the members from another part of the Union were exclusively zealous to extinguish the devouring fire of Public debt, that consumes the people and their liberties; that the same gentlemen were not consenting to the funding system; and that all their efforts

have been hitherto baffled by the interested arts of the friends of paper corruption.

"When we are accused of keeping the debt in existence from motives of influence and corruption—when our accusers affect to lament that they cannot be allowed to prosecute a most powerful and even violent operation for reducing the debt, we have a right to say—we take their professions as a ground for testing their consistency, if not their sincerity. I rejoice to see these professions brought to the test; for if it should criminate the sincerity of those who make them, it would at least exculpate those who have so long been the objects of the most licentious invectives.

"The opposers of the Resolution are not bound to adopt this plan, but they are bound, by more than common sanctions, to go beyond those they have accused, in some plan, and to provide other taxes. No fancy operation, no half way measures will do. They stand pledged for some strong system, some efficient funds to bring into activity, at least, all the present revenue faculties of the country. The present moment is the crisis of a political test. It gives an opportunity to one party to vindicate their consistency, and we, on the other, actually use it, not by professions, but by our conduct, to confound the accusations which have been thrown upon us. I rejoice in this moment. It cannot but undeceive the citizens, who have nourished jealousies and prejudices. The confidence and affection of the citizens is the best defence of the Constitution; and we are told, that this defence has been chiefly weakened by the misrepresentations which have been made of the intentions of Government to keep the debt, as an instrument of corrupt influence."

These general remarks were followed by a close and pungent reply to the several objections which had been raised.

Among others, as to the alleged oppressiveness of the taxes, Ames observed, that "one of the articles" (snuff) "is the most trivial of all luxuries, and the other" (loaf sugar) "is most exclusively an article consumed by the wealthy." "Yet when we press hard for a substitute, instead of these we are, with a face of solemnity, advised to tax the land. May I trust my senses? Is it possible for persons to call the taxes on snuff and loaf sugar, oppression—and the land tax, relief? Is it possible to think of taking the tax from the snuff-box and the teapot to put it on the plough?" "But why," it is asked, "urge permanent taxes for temporary objects?" The object is the discharge of the debt. The taxes are not to be made permanent, nor is the object of their application temporary; but these temporary taxes are, by law, expressly pledged to discharge certain appropriations, until other adequate funds are substituted. If we refuse to renew them, we are sacredly bound to provide substituted revenues. How extraordinary is the assertion, under circumstances so singularly adapted to its confutation, that to extend these taxes to eighteen hundred one is a breach of the public faith.

"Greater difficulties than any that a calm and unprejudiced mind will discern in the plan before us ought to be expected and readily acquiesced in, rather than abandon the great object of freeing the nation from debt. It is worth some exertion and some sacrifice. If we should effect it, my hopes of the destinies of our government would brighten. There is nothing in the magnitude of the debt to discourage us; and still less in the prosperous circumstances and good dispositions of our citizens. It depends upon ourselves, whether we realize their expectations by acting in conformity with our own professions."

The reply of Madison was brief. He again insisted, that the only question before them was, whether it was at that time proper to prolong these taxes? To this policy he objected. He observed, that the taxes were of two kinds—either permanent, as the impost, or temporary, as the excises. The permanent taxes could be applied to the permanent object of reducing the debt, and the temporary taxes to the temporary objects, as the military establishment. He admitted, that there might be a reversionary appropriation of such taxes to the public debt, after the temporary purpose had expired. But, that this could be done, was not a sufficient answer to the objections against making permanent, new taxes, uncertain in their product, contested in their principles, and which had been adopted under other circumstances and for other purposes. He averred, that the true importance of this discussion consisted in bringing into comparison the two general resources for discharging the debt,—an extensive system of excises, or a general tax on property. The latter, he asserted, was more economical; more efficient, less oppressive; and he contended, "that all that was at this time aimed at with respect to the debt, would be attained by allotting the temporary part of the revenue to temporary purposes." *

* Ames wrote January 17, 1795: "The faction pretending, as usual, exclusive zeal to pay off the debt, and, as usual, opposing every measure for the purpose, seemed to take the ascendant on the question, to strike out the resolution to prolong the temporary taxes to the year 1801." * * * "The doctrine that a *land tax* must be resorted to has gravelled them. They begin to equivocate, and Madison speaks (now) hypothetically of the measure. He has some idea of digesting an apportionment, not a requisition, says he, on the States, which they may spread over such taxable property as Congress could not reach. This jargon of hypocrisy convinced nobody, and yet plainly showed that at last they are unwilling and afraid to propose any tax for the

The objection (of Madison,) that the proposed taxes did not go far enough, Smith remarked, "had more solidity than that they were not required; but his reasoning only proved that there ought to be others in aid of them; and whenever he will propose others, they will be assented to, unless liable to insuperable objections. He has advised a recurrence to a direct tax. This was similar to the proceeding at the previous Session. It was then objected, that the Naval Armament proposed was inadequate, but no attempts were made by the objectors to render it competent. It is now declared, that the proposed taxes are inadequate, but no attempt is made to increase them or substitute others. A direct tax is *suggested*, but not *proposed*, in lieu of these; though it is well known, that at the last Session these were preferred to a Land tax by the Committee of which, he (Madison) was a member; and when that tax was proposed in the House, not ten members voted for it, even with the prospect of war before our eyes. This Report has been long considered, and now, at the close of the Session, no substitute has been offered, and it is proposed to reject it altogether.

"These taxes are only to exist until others are substituted. Either you believe that the Land tax will pass, or that it will not. If it will, then you are certain that these taxes will cease. If you believe that it will not, then you know, that unless these taxes are continued, the debt cannot be paid. The small amount of this branch of Revenue has been said to render it of little importance. Small as it was, it was as large as the product of the Excise which he had advocated. It would pay two thirds of

debt. But the debate has confirmed the old fact, that the party propose a land tax, and a land tax only, for the purpose."

each instalment, and was a growing revenue. It has been said, these are *temporary* taxes, and should be applied to temporary *objects*, and not to the *permanent object* of the reduction of the debt. It was a strange objection to argue from a peculiar *quality* of the object under consideration, when the whole question and essence of the controversy was, in fact, whether the object should possess that quality. It was no answer to a proposition to make temporary taxes permanent, to say, that they are now temporary. The only substitute which had been recommended, the Impost of last session, was a *temporary* revenue.

"Let the comparison be drawn between those who had early and zealously brought forward and defended a plan for the reduction of the Debt, and shown a willingness to accede to any other equally efficient, and those who had combated this plan with so much perseverance because of their dislike to one or two small articles of taxation, without offering any substitute, except holding out a remote and almost impracticable expedient—a direct tax!!"

While the Democratic leaders saw, that this proposition to give permanence to the internal duties would be a fertile theme of popular clamor, they were unwilling that the Federalists, who had shown themselves prepared to incur the odium of the measure, should have the merit of providing effective means for the discharge of the debt. The zeal evinced by them to give to these means an immediate legislative sanction was therefore represented, as showing a groundless distrust of the virtue and wisdom of future legislatures, and of their constituents.

With such of these leaders as may be fairly supposed to have been actuated by the unworthy influence of personal jealousy, it would be a strong motive to deprive

Hamilton, whom they had maligned as the parent of a perpetual debt, and whom they had as untruly charged with the opinion "that a public debt was a public blessing," of the merit of being the author of an efficient plan for its redemption.

CHAPTER CXV.

In the course of the preceding debate, it had been much and often regretted, notwithstanding the law constituting the Treasury Department required the Secretary to digest and report plans for the improvement of the Revenue, and the conduct of the Finances; that the House had excluded the information, their own law made it his duty to furnish.

This subject had been considered by Hamilton in all its wide relations. He viewed it with the comprehensive solicitude of a Statesman, who felt that it was a measure vital to the well-being of the Nation.

Under this impression, and alarmed by a proposition *to tax the debt itself*, Hamilton, at this stage of the discussion, addressed a letter to both Houses of Congress. In this letter, dated the sixteenth of January, referring to the act establishing the Treasury Department, as expressly making it his duty so to do, he enclosed an elaborate "Plan, on the basis of the actual revenues, for the further support of Public Credit."* It was received by the House. The Senate also voted its reception, and it was submitted on the twentieth of January.†

* Hamilton's Works, iii. 456. Jan. 16 and 21, 1795.

† Ames thus writes, Jan. 17, 1795: "The party were unprepared, and out of spirits to oppose its being directed to be laid before the House, and it passed, Lyman only opposing. This order to receive the report is a curiosity,

This plan embraced a further provision for the unsubscribed debt—one for converting, with the consent of the Creditors, the foreign into a domestic debt—another, for augmenting the Sinking fund so as to render it commensurate with the entire debt; and several important auxiliary propositions.

Adverting to the admonition in the speech of the President, he remarked, that it was there "very justly intimated that the period which has elapsed since the commencement of our fiscal measures, (now more than four years,) has so far developed our resources, as to open the way to this important work. And it is matter of solid consolation, that the result, presenting a state of our finances prosperous beyond expectation, solicits the public councils to enter, with zeal and decision, upon measures commensurate with the greatness of the interests to be promoted."

He then gave a comprehensive view of the fiscal sys-

after the vile debate on committing the President's message, enclosing Knox's letter." * * * * * * "In the debate (I had forgot to observe,) that McDowell proposed a tax on transfers, as a fund for sinking the debt. What fund more proper or more efficient? The bottomless pit would not sink the debt deeper." Nine days later, (January 26, 1795,) Madison wrote Jefferson: "I fancy the Cabinet are embarrassed on the subject of the debt. The Treasury faction is shouting on the policy of paying it off, as a great evil, and laying hold of two or three little excises passed last session under the pretext of war, are claiming more merit for their zeal than they allow to the opponents of their puny resources. Hamilton has made a long valedictory report on the subject. It is not yet printed, and I have not read it. It is said to contain a number of improper things. He got it in by informing the Speaker he had one ready, predicated on the *actual* resources, for the House whenever they should please to receive it. Boudinot, the ready agent for all sycophantic jobs, had a motion cut and dry, just at the moment of the adjournment, for informing him, in the language applied to the President on such occasions, that the House was ready to receive the Report when he pleased, which passed without opposition, and almost without notice. Hamilton gives out that he is going to New York, and does not mean to return into public life at all."

tem under three heads;—the revenues established; the provisions for funding the debt, and paying the interest upon it; and those for reimbursing and extinguishing it.*

* A review is given of the laws which constituted the fiscal system of the United States—being *fourteen acts* relating to and establishing the current revenues; *six acts* for funding the debt and paying the interest on it; and *eight acts*, comprising all the provisions for reimbursing and redeeming the debt. This review shows that, all the current revenues of the United States, as has been seen, were derived from these sources.—IMPORTED ARTICLES;—the TONNAGE of ships and vessels; SPIRITS DISTILLED within the United States, and STILLS; the POSTAGE of letters; FEES on PATENTS; DIVIDENDS of bank stock; SNUFF manufactured within the United States; SUGAR refined within the United States; SALES at AUCTION; LICENSES to retail wines and distilled spirits; CARRIAGES for the conveyance of persons.

The duties on snuff and refined sugar, on sales at auction, on licenses to retail wines and spirits, and on pleasure carriages, were *temporary;* and were charged with a specific sum and with a reservation to pay the interest on whatever sum may by law be borrowed to provide the expenses of the intercourse with foreign nations.

The *permanent* duties on Imposts, tonnage, spirits distilled and stills, were permanently charged with the annual reservation for the support of the government, and pledged for the payment of the interest on the funded debt, including the balances due to the Creditor States. The surplus duties, if any, on spirits distilled within the United States, and on stills alone, were ultimately appropriated, that is, to the reduction of the debt. The other surpluses had no ultimate appropriation. The postage and bank dividends had no permanent or particular appropriation.

The FUNDED debt, consisted of the foreign debt and nearly the whole of the domestic debt, original and assumed, which had been converted into stock, (the present and deferred redeemable at the rate of eight per cent. annually of the original sum on account of principal and interest and the three per cents at pleasure,) and of the balances due to the Creditor States, and were *bottomed* on certain specified revenues, pledged or hypothecated for the payment of the interest on them.

The SINKING FUND was composed of three parts—the surplus of the duties on impost and tonnage to the end of seventeen hundred ninety; the proceeds of loans not exceeding two millions of dollars, authorized for this purpose; and the interest on the debt *purchased, redeemed*, or *paid* into the Treasury, together with the surpluses, if any, of the appropriations for interest, to be applied: 1st, to purchases of the debt until the fund was equal to two per cent.

The total unredeemed debt a little exceeded seventy-six millions of dollars.* The annual current revenue was

of the *outstanding stock bearing* a present interest of six per cent.; 2d, to the *redemption* of that stock; and, lastly, to purchases of any unredeemed residue of the debt, reserving a sum not exceeding eight per cent. per annum towards the payment of interest, and reimbursing the principal of the loans made for purchases of the debt. The annual force of this fund exceeded $100,000, liable to be increased by the purchases of the debt, with a sum, which, together with the previous purchases and payments, would amount to two millions authorized to be borrowed for that purpose; but which depended on an operation too contingent to be estimated in the actual strength of the fund; together with the proceeds of the public lands. It was liable to be reduced by the eight per cent. reserved out of it for payment of the principal and interest of these two millions.

* This total was thus composed:

Foreign Debt, less a payment out of foreign loans, reducing it to	$13,745,379 35
FUNDED DOMESTIC debt. Six per cents. bearing a present interest, ...	17,912,138 01
Do. bearing a future interest, ...	8,538,228 97
Three per cents., ...	12,275,347 55
State Debts *Assumed*—	
Sixes—bearing a present interest, . .	7,908,374 19
bearing a future interest, . .	3,940,608 96
Balances to Creditor States—	
Sixes—bearing a present interest, . .	2,345,056 00
future interest, . .	1,172,528 00
Three per cents., ...	703,516 80
	$60,789,914 18
Unsubscribed debt—	
Principal, exclusive of Loan Office Certificates bearing interest on nominal value, .	1,072,583 40
Interest thereupon, including Indents, . .	452,826 74
Principal of Loan Office Certificates, bearing interest on nominal sum, ...	27,935 00
Interest thereon, ...	7,830 00
Total unredeemed debt, . .	$76,096,468 67

Exclusive of a sum due the bank of £1,400,000 counterbalanced by a greater value in stock.

In these statements, small fractions are omitted in this work.

about six and a half millions. The total annual expenditure, five and a half millions, to be increased by the interest beginning to accrue of the deferred stock on the first of January eighteen hundred one. Of this sum the expenses of the civil government, including those of the foreign intercourse, were less than half a million.

The force of the Sinking fund was next given, and it was shown, that, with the sums * applicable to the redemption of the six per cent. stocks, and with the application of the probable proceeds of the public lands, estimated at three millions, to reimburse the three per cents., the whole of the Public Debt, (the proposed funds being inviolably applied,) would be extinguished in *thirty years*, leaving to the government a reversionary income of four and a half millions.

To accelerate this result, and to secure its accomplishment, Hamilton made a series of propositions; one, an extension for a year of the time of subscribing to the un-

* The sum applicable to the redemption of the Stock bearing a present interest, exclusive of that standing to the credit of the commissioners of the Sinking fund, a little exceeded $500,000. The sum applicable to the redemption of the deferred Stock in 1802, with the like exception, was $273,000.

These sums would extinguish the whole of these stocks within *twenty-three* years after the redemption began, discharging within that time the whole of the public debt, except the foreign, the unsubscribed debt, and the three per cents. Should the redemption of the six per cents. commence at the times at which they could legally begin (1 Jan. 1796 and 1 Jan. 1802); and were the redeeming funds commensurate with the amounts unredeemed and transferable, the revenue set free would suffice to redeem the whole of the foreign debt in six years after, or within twenty-eight years from the 1st of January, 1796, and having effected this, would more than discharge the whole of the balances to the Creditor States, and the whole of the unfunded debt, in two years more. Should the proceeds of the Western lands be three millions of dollars, and could the three per cents. be purchased at twelve shillings in the pound, that fund would pay off the whole of the three per cents. in less than twenty-six years.

subscribed part of the debt; an appropriation for the payment of interest *for one year* on the part then remaining unsubscribed, and of ten per cent. on the arrears of interest, to January ninety-six. The specie principal of the loan office certificates bearing a nominal value, with the arrears of interest—to be paid immediately. A provision by a five per cent. loan redeemable in thirty years for the outstanding and unbarred new emission bills of credit. The conversion by a new loan of the whole of the foreign into dometic debt upon specified terms of great moment. The rendering the temporary duties on imports coextensive in duration with the permanent duties, to be appropriated in like manner, postponing the annual reservation for the support of Government and their common defence to the appropriations for the interest of the funded debt, and for the SINKING FUND—some important provisions to reinforce that fund, and to secure its inviolable application to the discharge of the debt,—the conferring on the commissioners of that fund power to borrow the necessary sums, in anticipation of the revenues appropriated for the purpose, not exceeding a million a year to be reimbursed within the year, to pay the annually accruing interest on the debt—the interest of each of these annual loans to be defrayed out of the permanent revenues. A continuation of the internal revenues to the year eighteen hundred—a proposition, that, as to all unexpended appropriations other than for the payment of the interest of the funded debt and for the purposes of the Sinking Fund, such appropriation shall be deemed to have ceased; and that the unexpended residue shall be carried to an account to be called the SURPLUS FUND—a recommendation that after the year seventeen hundred ninety-six all priorities in the appropriations for the funded debt should cease, except as to dissenting creditors;

and that the revenues charged with these appropriations shall constitute a common or CONSOLIDATED FUND charged without priority; and finally, that provision be made for calling in all outstanding Loan office certificates, Final settlement certificates, Indents of interest; and for issuing, in lieu of them, other certificates of equivalent tenor, prescribing that all not presented for exchange within two years shall be barred. From great prudential motives, he proposed, that the entire management of the Public Debt be intrusted to the Commissioners of the Sinking Fund.

These several propositions were followed by a commentary upon each of them, full of principles derived from the highest and most enlarged views of public justice and policy.

In this commentary, the importance of avoiding a progressive accumulation of debt, by acting steadily on the maxim, that, with the creation of debt should be incorporated the necessary means of extinguishing the principal, and by making it a part of the contract, that these means shall be inviolably applied to the object, is most forcibly urged. "It is," he remarks, "probably the true expedient for uniting a due regard to the present accommodation of the community with a due care not to overburden posterity—the full energy of public credit with a salutary restraint on the abuses of it."

In relation to the continuance of the internal duties, his views differed from those who would have rendered them permanent. "It is a good rule of caution," he said, "that no more of the public revenues should be rendered permanent than is necessary to give moral certainty to the provisions which may be regarded as the pillars of Public Credit."*

* Madison to Jefferson, Jan. 11, 1795: "Our revenue from trade is so increased as to supply a fund for the discharge of the public debt. The ex-

But, he observed, that they could not be dispensed with until the year eighteen hundred, if the redemption of the debt was to be seriously entered upon. "The objection," he said, "that part of them fell on manufactures has no weight—the manufactures on which they fall are complete luxuries, and completely established, consequently fit objects of revenue. The increased duties on the rival articles are a full protection. The tax will ultimately fall on the consumer."

He closed this valuable document by a series of deeply interesting observations, to prove that the Government had no right to tax its own funds or to sequester them in time of war.

"Public debt," he remarked, "could scarcely, in legal phrase, be defined either property in *possession* or in *action*. It is not the first until reduced into possession by payment. To be the second, would suppose a legal power to compel payment by suit which does not exist. The true definition of *Public debt* is a *property subsisting in the faith of the Government*. Its essence is promise. Its definite value depends upon the reliance that the promise will be definitely fulfilled. Can the Government rightfully tax its promises? Can it put its faith under

cises laid at the last session will probably be left as they stand. The *Treasury bench* have attempted to make them *perpetual*, and brought about a Report of a Committee to prolong them to the year 1801. . . . . Knox is succeeded by Pickering. The successor to Hamilton not fixt, but likely to be Wolcot. Hamilton will probably go to New York [*with the word poverty for his label*"]. The part in brackets is in the *original*. The anxiety of the opposition as to Hamilton's continuance in office is seen in a letter from J. Jones to Madison, 26th Dec., 1794: "I am at this moment informed that Hamilton told H. Lee that he meant to retire and go to the bar, where he could make his £2000 per annum—whereas in office, he had spent what he had before—about £3000—except a house and lot, and that if he was now to die, his family must depend on their grandfather for their support."

contribution? Where or what is the value of the debt, if such a right exist? . . . It is in theory impossible to reconcile the two ideas of a promise which obliges, with a power to make a law which can vary the effect of it."

After various beautiful illustrations of this argument, he stated the analogous considerations, showing that a Government has not the right to sequester or confiscate property in its funds in time of war. These preceded an eloquent exposition of the uses and value of "a permanent national credit," and of the sacred principles on which its existence depended.

This train of thought also led to an indication and exposure of the obstacles which would naturally be interposed to this great object; and are in themselves a severe reproof of the unworthy arts which had impeded his fiscal policy.

"A tendency to the accumulation of debt," he observed, "is perhaps the natural disease of all governments, and it is not easy to conceive any thing, more likely than this, to lead to great and convulsive revolutions of empire. On the one hand, the exigencies of a nation creating new causes of expenditure, as well from its own, as from the ambition, rapacity, injustice, intemperance and folly of other nations, proceed in increasing and rapid succession. On the other, there is a general propensity in those who administer the affairs of a Government founded in the constitution of man, to shift off the burden from the present to a future day—a propensity which may be expected to be strong in proportion as the form of a State is popular.

"To extinguish a debt which exists, and to avoid the contracting more, are ideas always favored by public feeling and opinion, but to pay taxes for the one or the other purpose, which are the only means of avoiding the

evil, is always more or less unpopular. These contradictions are in human nature, and happy, indeed, would be the lot of a country that should ever want men ready to turn them to the account of their own popularity or to some other sinister account. Hence it is no uncommon spectacle to see the same men clamoring for occasions of expense, when they happen to be in unison with the present humor of the community, whether well or ill directed —declaiming against a public debt and for the reduction of it as an abstract thesis, yet vehement against every plan of taxation which is proposed to discharge old debts or to avoid new, by the defraying the expenses of exigencies as they emerge."

CHAPTER CXVI.

At the beginning of this State paper, Hamilton mentioned his intention to submit some propositions for the Improvement of the Revenue. These were contained in the last Report* officially submitted by him, giving various suggestions of principles which, he thought ought to govern in levying the different duties and taxes that had been established, proposing amendments in the modes of collection; and remedies for the vagueness which marked the legislation on these subjects, since the House of Representatives had ceased to invite his aid.

The first of these suggestions was, the contraction of the number of articles rated ad valorem and the extension of those rated specifically,—that is, according to weight, measure, or other rule of quantity. The protection of the revenue and the interest of the fair trader prompted such a change, the duties being increased. He at the same time paid this just tribute to the mercantile body. "It is impossible for the merchants of any country to have manifested more probity than those of the United States on this subject, and there never was one in which illicit practices, to the disadvantage of the revenue, have obtained so little, as hitherto, in this."

Another suggestion was, "to adjust anew the propor-

* Hamilton's Works, iii. 529. Feb. 2, 1795.

tional rates of duty of different kinds or qualities, of certain articles; especially teas, which he would have thrown into three classes, raising somewhat the lowest rate and diminishing considerably the higher rates. A readjustment also of the rates, in certain cases, by combining several rates on the same articles, established by different acts, into one rate, and dismissing inconvenient fractions, he intimated, would be advantageous. An alteration in the terms of credit, by a subdivision of the payments into shorter and more numerous periods, was proposed, so as to apportion the course of receipts more according to the course of payments, and prevent inconvenient pressures at particular junctures. An increase of the compensation to Inspectors, as increasing the security of the revenue, is advised, as well as that of other officers of the customs inadequately paid. The system of Revenue cutters needed revision. "It would have been in his judgment, a great mean of rendering this institution competent to its object, if, as was early suggested by him, the officers of the customs had had rank in the Navy." Modes of improving the collection of the duties on wines and liquors were indicated—also of those to accrue under the other acts levying internal duties; these acts being more or less unprovisional since the jealousy of Congress had denied to itself the aids of the Head of the Fiscal department. He would, also, have removed the restrictions upon officers of the customs and upon the supervisors and other officers of inspection investing their means in the public funds, as both unnecessary and inconvenient; but suggested, that "in lieu of them, if thought necessary, the employment of public money for private purposes might be still further guarded against by penalties."

On the reception of these two documents, the consideration of the Report for the Redemption of the Debt was

resumed; and the motion to strike out the clause continuing the temporary duties until eighteen hundred was renewed. This persevering effort to defeat the plan called forth an able defence of it, in the course of which the following remarks were made.

"The debate, if not productive of the effects originally designed, will certainly disclose to our Constituents many things important to be known. 'I ardently hope,' Sedgwick said, 'I ardently hope, that my wishes and expectations may not be disappointed, that no man, observing such a contradiction of character and conduct, may justly use such language as this.' Strange to behold! we see the men who have been represented as the friends of aristocracy, the men who had *created* a debt as the means, who rendered it irredeemable, that it might be perpetuated as the instrument of power and influence—these men, we see striving with all their might, and straining every nerve, for the adoption of an efficient system to reduce and destroy this monster of iniquity;—while, on the other hand, not less unexpected, we perceive the *friends* of the people, as they have called themselves, the men who had *fairly* discovered that every political evil was stalking in the background of the frightful picture which they made of the funding system—these men, we behold, formed in solid column, to defend this hateful spectre against the assaults of '*the Knights of the Funding System.*'

"It is said to be an illiberal and unfounded jealousy to suspect gentlemen of insincerity. Let facts speak for themselves. Have the opposition, however clamorous against others, *ever proposed a system of their own?* Do they offer any substitute? The intervention of a subject equally interesting to the quiet of the community, and the reputation of a meritorious officer had prevented this matter being acted upon, two sessions since. It is now

said, 'This is not the proper time. Defer it to the next Session.' Why not, I ask, at this time? If honor, the good will and blessings of the people, will attend the authors of the measure, I invite gentlemen to accept them. Why leave the glory to our successors? May not they, for the same reason, leave it to theirs?

"It is said, 'that the articles proposed are not proper subjects of taxation,'" (there was a provision that whenever any other taxes of equal value shall be laid, these taxes should cease.) "What then shall we substitute? 'Direct taxes,' it is said. Have they not already been tried and rejected? Is there not evidence of insincerity in proposing rejected taxes as a substitute for those which have been adopted? If gentlemen are sincere, why bring they not forward their proposed scheme of direct taxes, as the means of reducing the debt? If the debt is what they have constantly represented it, is it not a duty incumbent on them equally with their brethren to attempt its reduction?"

To show the necessity of continuing the temporary taxes—the late report of Hamilton was referred to. "I have very great confidence," Sedgewick remarked, "in the gentleman who is Head of that Department. His talents are acknowledged. His integrity is, I believe, incorruptible, and his industry indefatigable. Hitherto he has never deceived us, and he can now have no possible motive to do it. He is responsible not only in this Country, but abroad, by his reputation and well-earned fame, dearer than life, not to mislead. He is not now devising means of official or personal power and influence, being about to retire voluntarily, and to mingle with the mass of the people. If it will not be exacted to receive conclusively his statements and deductions, candor will compel those who reject, to disprove them. I shall assume it

as a fact, that they are correct, and afford the only means of accurate calculation. The palpable omissions and mistakes which have been made in all our calculations should induce us to hesitate, whether more respect is not due, than has lately been paid, to official information and responsibility. His statements show conclusively, that it will be necessary to continue all the existing taxes."

After a zealous opposition by Findley, Giles and Madison, the question was taken, and the motion to strike out the proposed continuation of these taxes was lost, twenty-one members voting in its favor. An effort was then made by Giles to strike out the "Carriage" tax which also failed; and a series of Resolutions to carry into effect the several propositions, excepting the provision for the new emission bills,—in the Report of the Secretary of the Treasury, were passed.*

This discussion was resumed upon a bill drawn in conformity with these resolutions. A motion was made to strike out its first section, providing for the creditors who had not subscribed. The mover stated his belief that this would not derange the system—urging that the proposed provision for the nonsubscribing creditors was unequal, giving them better terms than the other creditors. This was denied. It was averred, that it was only a compliance, at a period when the national finances authorized it, with the solemn and pledged faith of the government. The motion nevertheless prevailed. †

* In the act making provision for the Redemption of the Debt a clause was inserted, that no appropriation for the current service should continue in force, for *more than two years*, after the year in which it was made, unless a longer duration was specially assigned by the law. "This limitation upon the validity of acts of appropriation originated in a recommendation of my predecessor—Mr. Hamilton."—Wolcott's "Address," 1802.

† Feb. 14, 1795.

The important section, which, to prevent a diversion of the SINKING FUND, vested it in commissioners, as "property in trust," and which pledged the faith of the government that it should be inviolably applied to that object and to no other, was opposed with much asperity. "Ought the nation," asked the opposition, "to be restrained from the free exercise of its will to amend or repeal any law?". But this section was retained by a decided majority.*

While the bill was before the House, Hamilton, having left Philadelphia, wrote:† "My dear Sedgwick, every moment's reflection increases my chagrin and disgust at the failure of the propositions concerning the unsubscribed debt. I am tortured by the idea that the country should be so completely and so unnecessarily dishonored. A day of reckoning must come. I pray you let the *yeas* and *nays* separate the wheat from the chaff. I may otherwise have to feel the distress of wounding a friend by a shaft levelled at an enemy. The case is an extreme one. Managements are every way improper."

Two days‡ before the bill was reported to the Senate, hoping that this body would reinstate the provision, he wrote to King, in these most earnest terms, from Kingston: "The unnecessary, and capricious, and abominable assassination of the national honor, by the rejection of the propositions respecting the unsubscribed debt, in the House of Representatives, haunts me every step I take, and afflicts me more than I can express. To see the character of the government and the country so sported with—exposed to so indelible a blot—puts my heart to the torture. Am I, then, more of an American, than those who

* 49 to 39. Against it were: Baldwin, *Findley*, *Gallatin*, *Giles*, Macon, *Madison*, Nicholas, Smilie.

† Feb. 18, 1795. ‡ Feb. 21, 1795.

drew their first breath on American ground? Or what is it that thus torments me, at a circumstance so calmly viewed by almost every one else? Am I a fool—a romantic Quixote—or is there a constitutional defect in the American mind? I conjure you, my friend, make a vigorous stand for the honor of your country! Rouse all the energies of your mind, and measure swords in the Senate with the great slayer of public faith—the hackneyed veteran in the violation of public engagements. * * * * Prevent him, if possible, from triumphing a second time over the prostrate credit and injured interests of his country.* * * * I disclose to you, without reserve, the state of my mind. It is discontented and gloomy in the extreme. I consider the cause of good government as having been put to an issue, and the verdict rendered against it. Introduce, I pray you, into the Senate, when the bill comes up, the clause, which has been rejected, freed from embarrassment by the bills of credit, bearing interest on the nominal value. Press its adoption in this, the most unexceptionable shape, and let the yeas and nays witness the result. * * * Adieu. God bless you." In another letter, he implored the friends of Public credit in Boston to prevent the evil he so much deprecated.† Five days

* "Witness the forty for one scheme—a most unskilful measure, to say the best of it."

† "The bill for the reduction of the public debt," Ames wrote, "has passed the House. Its first part, the funding system, converts the poison of faction into food for federation; it puts out of the reach of mobocrats the funds, and the control of them. It is therefore, the finale, the crown of federal measures. You will naturally wonder that such men should suffer such a step to be taken. Shame at being glaringly inconsistent and real inefficiency of character, kept them back. Yet this triumph is clouded. The clauses to provide, *bona fide*, for the unsubscribed debt, and for the discharge of a certain species of the loan office certificates, were thrown out. * * * Prudence prevented many of us, who think as formerly, from pressing the right princi-

after he again wrote to King, disapproving a modification of the bill, and closing, "I swear the nation shall not be dishonored with impunity."

The bill was reported to the Senate on the 23d of February. Two days after, amendments were offered to restore some of its original features which had been defaced in the House. A motion to provide by a loan to the full amount of the unbarred and outstanding "NEW EMISSION bills" was rejected. The attempt to defeat the plan, made in the House, was renewed in the Senate, by a proposal of Burr, to expunge the section continuing the temporary duties to the year eighteen hundred and one. But he was defeated. An effort to secure an early reimbursement of the debt was also opposed by him—when, to give the plan a vital blow, he proposed to strike out the section making the Sinking Fund, "a property in trust," and declaring its inviolability. In this he was also foiled. The bill passed, with but one negative, retaining this section, and thus Hamilton had the lasting distinction, of enabling the United States, the youngest of nations, to give the noble example, which, if adhered to, removes the only sound objection to systems of funding, and imparts to credit IMMORTALITY.

To give increased force to the Sinking fund, a bill for the sale of the PUBLIC LANDS had been introduced into the House by one of his friends,* but the opposition prevented its becoming a law.

It is among the remarkable facts in the history of this

ple, which would have been in vain. To make the subscription of the small residuum of debt compulsory, is base in principle, and not excused even by the pretence of necessity. Hamilton retires, full of the horrors, on this account." Ames's Works, i. 167, Feb. 24, 1795.

* Wm. Smith of S. Carolina.

Government and of Hamilton's life, that, as the first, so the latest effort of the opposition to him in Congress, was, to mar the public credit of this Country and to defeat the demands of "Justice—the end of Government." *

But their efforts were vain. Hamilton triumphed by the clear, far-reaching wisdom of his policy, and the elevation of his enlightened principles. It was, indeed, a triumph. For what was accomplished, amid countless difficulties, in seven years of determined energy and determined opposition?

He found these American States a broken league, he left them a constituted Republic. He found its name, the mockery of the wise and the good, he left it a glorious constellation in the great political firmament. He found the nation aged in its very infancy, he left it with the wisdom of maturity and the vigor of a newly-imparted youth. He found it bankrupt, he left it with a credit, unrivalled in the world.†

Questions have been raised as to the policy of systems of funding and sinking public debt. The arguments in favor of funding debts are familiar. The addition in the form of Government stock of the aggregate individual capitals of a nation,—thus made one joint capital,—to those separate capitals, permanent by succession, as the basis of its credit—the supply in this mode of the demands for emergencies without checking enterprise or contract,

* Federalist by Hamilton.

† "It is with much pleasure, I learn that, in point of credit here, the United States stand upon a *higher footing* than any other power; that their obligations at four per cent. with premium are *ten per cent. above par*, and their five per cents. *at par*, while those of the Emperor and of Russia are vibrating from 75 to 90, and some others bear no price at all." J. Q. Adams to Hamilton. "Hague, Dec. 5, 1794."

ing its actual business—the stimulus it gives to industry —the diminished expense of collecting revenue,—the encouragement of private economy,—the interest created in both the creditor * and debtor classes of the community in the public welfare,—the equalization of the condition of society by elevating the economical classes,—the strict regard to fidelity in engagements imposed upon Government and imparted to the habits of the citizen,—are believed more than to counterbalance the profuse expenditure and excess of taxation, too often resulting from them. Indeed, nothing can be more onerous than the necessities of an unprovisional and unstable credit.

The policy of a SINKING FUND has also been disputed, but the objection is truly to the false theories respecting it, not to the thing itself. The expectation of a sum, within the compass of any much indebted nation's means, by compound interest on it, being equal to the discharge of reckless expenditure, is visionary. But that a sum proportionate to the existing debt, appropriated to its redemption, the appropriation being sacredly observed, will discharge such debt, is a mathematical truth. Its effect in maintaining the public credit is not less certain. Its inefficacy in keeping up the price of public stock has been too readily conceded, for it would seem to be obvious, that, when there is a strong purchaser always in the market, ready and with certain means present or prospective, such as a Government, the price in the hands of an individual holder will not be permitted to fall below certain limits. The experience of the United States has

* It is stated that in 1823 nearly 300,000 persons were recipients of dividends on stock in England, of whom 9,200 received not over *five* pounds sterling, 42,000 not above £10, 26,000 not above £100, while of sums over that not more than 11,000 persons held them.

signally proved these conclusions, nor does that of Great Britain warrant other inferences.

The original Sinking fund of Earl Stanhope, established in seventeen hundred and sixteen, was violated a few years after its creation. Its operation was inefficient, and its product was diverted. A similar fate attended that of seventeen hundred and eighty-six,* which, as reinforced in seventeen hundred ninety-two, would have accomplished its purposes, but it also was invaded, and the strenuous efforts of her later Statesmen have been to restore it, as far as practicable, to its early state.

"See," Hamilton observed, "what a wonderful spectacle Great Britain exhibits. Observe the mature state of her agricultural improvements under the auspices of large capitals employed to that end. Consider the extent of her navigation and external commerce;—note the huge and varied pile of her manufactures. See her factors and agents spread over the four quarters of the globe, doing a great part of the business of other nations by force of capital; view the great extent of her marine insurances, attracting to her a considerable portion of the profits of the commerce of most other nations. View her, in fine, the Creditor of the world."

If the United States are rapidly approaching the period when they may be said to present a similar spectacle, how much may be ascribed to their system of public credit!

Hamilton's last Report for the support of Public Credit and for the Redemption of the Public debt, which

* In the debate upon the Act 26 Geo. III., 1786, Charles James Fox said: "He thought they (the resolutions) were considerably weakened by not making the fund inalienable in time of war." William Pitt observed: "It was the *essence* of his plan to keep the fund *sacred*, and most effectually so in time of war."—Hansard.

may be regarded as his financial legacy, was prepared amid all the pressure of official business, on the eve of his resignation.

But, great as were the demands upon his time, he found leisure on the last day of his official service to call the attention of the President to several subjects of interest.

Jefferson, it is seen, had early coveted the reputation of originating a system of coins, weights and measures. In this he was unsuccessful. He asked of Washington the annexation of the control of the Mint to the State department. In this he succeeded.

On the thirty-first of January, the Secretary of the Treasury wrote to the President:

"Previous to the leaving my present office, there are a few points which I think it my duty to bring under the consideration of the President. The first regards the present state and arrangement of the MINT. It is certain, that this establishment is capable of producing very important benefits to the Community. At this moment, when an unusually large and sudden exportation of silver has produced a very inconvenient scarcity of that species of money, the full activity of the MINT would be of primary utility. Large quantities of silver lie in the banks and other places in ingots, which, if turned into coin, would be of the greatest advantage to trade, and to all pecuniary operations public and private. Hitherto the MINT has comparatively done nothing. This is matter both of surprise and complaint with all that part of the community whose dissatisfactions are the less known, because they are not lightly promulgated. The institution itself, by not fulfilling the public expectation, grows into discredit; and those who have had the principal agency in its establishment are wounded by a growing disrepute, which is attributable truly to an insufficient execution. The President probably knows better than I do, what have been the causes of the deficiency. They may afford a justification; but, uninformed as I am, I cannot help thinking, that, with due exertion, the business of the Mint might have been far more matured; and its present powers of action far greater than they are. And I am led to fear, that as long

as it continues under the present management, the public expectation will be disappointed. The director, though a most respectable man, can hardly be expected on several accounts to give that close and undivided attention to it, which, in its first stages, is indispensable. There is another point in relation to the same subject, on which I should have been silent as long as I could have been supposed to have any personal motive to influence my opinion. But now this is at an end, I yield without hesitation to my convictions of the public interest, in presenting, with the greatest deference, those convictions to the consideration of the President. They amount to this, that the Mint establishment will be most advantageously, for the service of the United States, placed under the superintendence of the Secretary of the Treasury.

"It is obvious, that, that establishment forms a most material link in the money system of the country. This system, as it regards public operations, is in the management of the Department of the Treasury. It follows, that in the theory of the case, there is an intimate relation between this department and that establishment. The law constituting the Mint also establishes some relations between them."

Having referred to the law, he proceeds:

"Moreover, the Secretary of the Treasury, called daily and habitually, to observe the progress of money transactions, awake to every thing which can affect them well or ill, because the credit of his department depends upon it, must be more likely than any other officer, to feel a due sensibility to the efficient and proper course of the Mint, and consequently to exert himself to give it such a course. The Post Office, on the other hand, if the idea which has repeatedly appeared in Congress be adhered to, that of rendering it an instrument of the improvement of the public roads, instead of a means of revenue, may, without inconvenience, be placed under the department of State, while the Mint establishment is transferred to the Treasury. These observations proceed on the supposition, that the President has adopted, in principle and practice, the plan of distributing all the particular branches of the public service, except that of the law, among the three great departments; a plan which is believed to be founded on good reasons."

These suggestions were adopted. The President

transferred the charge of the Mint to the fiscal department, and Congress passed an act supplementary to the act establishing the Mint. This act created the offices of Refiner and Melter—authorized the retention at the Mint of a small percentage on silver deposited below the standard; declared the standard of silver to be nine parts pure silver—the tenth pure copper. The weight of the copper coin was authorized to be reduced to a limited extent by the President, of which notice was to be given by proclamation. The distribution of the new cents was provided for, and a preference was given, in priority of coining, to bullion above the standard.

In the same letter, as being a source "of enormous expense," Hamilton advised, a "discontinuance of the scheme of mounted volunteers."

"It will be happy," he observed, "if a revision of the measures for defensive protection should issue in a conviction, that the number of volunteer horse can be reduced by a substitution of Infantry," as of less cost. "In the last place, I beg leave to submit an impression, that advantages would accrue, in the view of economy at least, if the agents for Indian affairs, in the South Western and North Western Territories, were distinct from the Governors. These might still retain the political direction of affairs; and there would result a check in the business of supplies."

Hamilton's view as to the policy with regard to the Indians was formed and expressed at an early period. "Their friendship alone can keep our frontiers in peace. It is essential to the development of our fur trade; an object of immense importance. The attempt at the expulsion of so desultory a people, is as chimerical as it would be pernicious. War with them is as expensive as it is destructive. It has not a single object; for the acquisition of their lands is not to be wished till those now vacant are filled, and the surest as well as the most just and hu-

mane way of removing them, is by extending our settlements to their neighborhood. Indeed, it is not impossible they may be already willing to exchange their former possessions for more remote ones." *

In conformity with these views, he, as Chairman of a Committee, reported in seventeen hundred eighty-three, that "the general superintendence of Indian affairs under Congress be annexed to the Department of War;" a suspension "of offensive hostilities;" and the subdivision of the United States "into four districts," to each of which, an Agent was to be appointed "for the transactions of affairs" with them; to be called the "Eastern, Northern, Western, and Southern" districts.

This systematic idea was not adopted, and the Governors of territories became, under the direction of the War Department, *ex officio* superintendents of Indian affairs. "The organs of all negotiations and communications with the government, they determined, when and where supplies were to be furnished to them, and what other accommodations they were to have."

The powers exerted by these Governors were, in the absence of a systematic plan, the best disposition that could be made of this difficult subject of administration, at so early a stage of the government. But its continuance was without sufficient motive, and the experience of the Country shows the value of Hamilton's suggestion. Though the vast extension of the public domain by successive acquisitions of Indian lands has forced upon the public councils a closer attention to Indian affairs, yet the policy which had governed, long ruled. The President was authorized, in the ensuing year, to establish trading houses, and to appoint an agent for each. Subsequently,

* Hamilton's Works, i. 408.

a General Superintendent of the Indian trade was appointed. This was followed by the creation of a Bureau of Indian affairs, over which a Commissioner presides with several subordinates. Yet, notwithstanding frequent great abuses, the simple idea of disconnecting the Governors of the territories from all fiscal operations, and constituting them checks upon the immediate agents, was not for a long time adopted. Hence the Indians have been despoiled, the Government wronged. To correct or mitigate these wrongs, the statute books labor with vacillating laws,—and the treaties with them show no wise principles. Nor is a recent change free from objections. The early annexation of Indian affairs to the Department of War has been abandoned, and this province is transferred to the newly-created office of Secretary of the Interior.*

Near the close of this session, an earnest effort was made to clothe the Executive with the powers necessary to prevent the spoliation of these savages. This was the more urgent, because of two recent acts of the legislature of Georgia for appropriating and selling Indian lands within that State. A bill for this purpose was introduced, but the violence of party spirit prevented its becoming a law. Salutary regulations were however made to restrain the lawless inhabitants of the frontiers. And, ex-

* By a late Public Report, Dec. 2, 1858, it is suggested, that "Removals of tribes should be avoided—separate lands should be assigned to individuals without the power to alienate or encumber them, and money annuities should be expended for the common good, instead of being divided per capita." The whole number of Indians within the United States is estimated to be about three hundred and fifty thousand, composing one hundred and seventy-five distinct tribes. Since 1788, three hundred and ninety-three treaties have been made with them—chiefly treaties of *cession*, granting nearly six hundred millions of acres—costing about fifty millions of dollars—and from which the National treasury has netted one hundred millions.

tending the cares of the government to the unfortunate captives, too long the victims of Jefferson's timid and indirect policy, provision was made for their liberation from the dungeons of Algiers.

Soon after, the term of the third Congress expired. Although the opposition in the House of Representatives had, at its opening, an ascertained and confident majority, Hamilton's measures essentially prevailed.

On the day of his retirement from office, he also wrote various letters expressing his sense of the warm testimonials of regard which were tendered to him. He made his acknowledgments to the foreign Bankers of the United States for their fidelity, recommending his successor to their confidence. He thanked the National bank for the aids afforded to his fiscal administration, and for the support it had given both to public and private credit, urging an extension of its usefulness by the establishment of a branch in Virginia.

On the thirty-first of January he retired from the Government, having just passed the thirty-eighth year of his age.

Two days after he received from the President this letter:

"PHILADELPHIA, Feb. 2, 1795—DEAR SIR: After so long an experience of your public services, I am naturally led, at this moment of your departure from office (which it has always been my wish to prevent) to review them.

"IN EVERY RELATION, WHICH YOU HAVE BORNE TO ME, I have found that my CONFIDENCE in your talents, exertions and integrity has been *well placed.*

"I the more freely render this testimony of my approbation, because I speak from opportunities of information, which *cannot deceive me,* and which furnish satisfactory proof of your title to public regard.

"My most earnest wishes for your happiness will attend you in your retirement, and you may assure yourself of the sincere esteem, regard and friendship of, dear sir;

"Your affectionate

"GEO. WASHINGTON."

To this letter, so full of all a Statesman-soldier, could say and of all a Statesman-soldier could wish said, Hamilton answered in fitting terms:—"Sir: My particular acknowledgments are due for your very kind letter of yesterday.—As often as I may recall the vexations I have endured, your approbation will be a great and precious consolation.

"It was not without a struggle that I yielded to the very urgent motives which impelled me to relinquish a station in which I could hope to be in any degree instrumental in promoting the success of an administration under your direction, a struggle which would have been far greater, had I supposed that the prospect of future usefulness was proportioned to the sacrifices to be made. Whatever may be my destination hereafter, I entreat you to be persuaded, (not the less for my having been sparing in my professions,) that I shall never cease to render a just tribute to those eminent and excellent qualities which have been already productive of so many blessings to your country;—that you will always have my fervent wishes for your public and personal felicity, and that it will be my pride to cultivate a continuance of that esteem, regard and friendship, of which you do me the honor to assure me.

"With true respect and affectionate attachment,

"I have the honor to be."

His intention to resign is mentioned in a letter to

friends in Europe: "My own hope of making a short excursion to Europe the ensuing spring increases. Believe me, I am heartily tired of my situation, and wait only the opportunity of quitting it with honor, and without decisive prejudice to the public affairs. This winter, I trust, will wind up my plans so as to secure my reputation. The present appearance is, that the depending elections will prove favorable to the good cause, and obviate anxiety for the future. In this event, my present determination is, to resign my political family, and set seriously about the care of my private family. Previous to this I will visit Europe. There I shall have the happiness of meeting you once more. But will not a few months afterwards give us the pang of a final separation? Let us hope the best. Adieu"

The motives of Hamilton's retirement from the Treasury Department will be readily inferred from the preceding narrative. They are also succinctly enumerated in a private letter written by him to one of his relations in Scotland:

"In that office I met with many intrinsic difficulties, and many artificial ones, proceeding from passions not very worthy, common to human nature, and which act with peculiar force in republics. The object, however was effected of establishing public credit, and introducing order into the finances.

"Public office in this Country has few attractions. The pecuniary emolument is so inconsiderable, as to amount to a sacrifice to any man who can employ his time with advantage in any liberal profession. The opportunity of doing good, from the jealousy of power and the spirit of faction, is too small in any station to warrant a long continuance of private sacrifices. The enterprise of party had so far succeeded, as materially to weaken

the necessary influence and energy of the executive authority, and so far diminished the power of doing good in that department as greatly to take away the motives which a virtuous man might have for making sacrifices.—The prospect was even bad for gratifying in future the love of fame, if that passion was to be the spring of action.

"The union of these motives with the reflections of prudence in relation to a growing family determined me, as soon as my plan attained a certain maturity, to withdraw from office.

"It is a pleasing reflection to me, that since the commencement of my connection with General Washington to the present time, I have possessed a flattering share of his confidence and friendship."

"I lament your leaving the Government," General Lee wrote him, "but heartily wish it may be productive of every advantage to your family you expect, and that the affectionate gratitude of our country, to whose good you have so constantly and eminently contributed, may surround you in your retirement."

He also received this tribute of regard from another comrade of the Revolution, one of Washington's Staff, Colonel McHenry: "The tempest weathered, and landed on the same shore, I may now congratulate you upon having established a system of credit, and having conducted the affairs of our country upon principles and reasoning which ought to insure its immortality, as it undoubtedly will your fame. Few public men have been so eminently fortunate as voluntarily to leave so high a station with so unsullied a character, and so well assured a reputation; and still fewer have so well deserved the gratitude of their country, and the eulogiums of history.

"Let this console you for your past toils and pains, and reconcile you to humble pleasures and a private life."

CHAPTER CXVII.

It has been perceived that the precarious state of the foreign relations of the United States had induced Hamilton to defer his retirement from the Cabinet, beyond the period he first contemplated.

The additional provisions for Internal Revenue made during the preceding year, though not in strict conformity with his suggestions, had enlarged the basis, and increased the stability of his system of Public Credit. The law for preventing and punishing infractions of Neutrality had armed the Executive and the Judiciary with nearly all the powers necessary to sustain the territorial Sovereignty. The suppression of the Western Insurrection had signally displayed the ability of the Government, in despite of its imperfect control of the Militia, to maintain the supremacy of the Constitution and of the laws; and measures of defence had been adopted, which, though inadequate to their object, had served to manifest the determination of the Executive to vindicate, if unavoidable, by the last appeal, the rights and dignity of the nation.

Boundless as were the blessings which had been conferred on the Republic—glowing as were its destinies—Hamilton saw that its prosperity must depend upon the preservation of Peace. Nor, until that was secured, did he feel himself permitted to think of repose. This most

important object was attained by the conclusion of a "Treaty of Amity, Commerce and Navigation" with Great Britain, at London, on the nineteenth of November, seventeen hundred ninety-four.

This was an event in the foreign policy of the United States second only in importance to the Proclamation of Neutrality, of which it was the sequel. As the author of the policy, of which that State paper was an official declaration, a full narrative of the events connected with it was essential in a work, of which Hamilton's "Life and writings" are the basis. For the same reason, he being the originator of the mission to England, an extended view of the circumstances attending that mission will be appropriate.

The opposition to this embassy, especially, if any other than one of its leaders should be appointed to fill it;—the violent objections to Hamilton stimulated by the Minister of France,—the subsequent hostility to Jay,—and the efforts made to thwart his negotiations, cast a strong light upon the policy of the Democratic party.

Inflamed by the injuries of Britain, and stimulated by the arts and money of France, her partisans answered from every quarter the signals of discontent, thrown out for the two-fold purpose of irritating England, all bristling in arms, and keeping up the dissatisfaction of the American people. Their violence was most conspicuous and greatest where Genet's intrigues had been most active. A Public dinner was given at Philadelphia in honor of the victories of France, to which he was invited; and to point the insult—"The Persecuted Genet"—and "May Laws and not Proclamations, be the instruments by which freedom shall be governed"—were the leading Toasts. A Fête also took place in commemoration of the Revolution of Holland, at a garden connected with the abode of

Fauchet, the new Ambassador of France, by whose directions, an altar was erected, dedicated to Liberty. Before this Altar the populace danced, hymning this modern divinity—swearing fealty and eternal remembrance of the arms and the talent which had been exerted in her cause. This scene was followed by an address from Fauchet; who, alluding to the mission of Jay, warned the assemblage, that, "as virtue held no commerce with vice, so a free people should have no union with Despots, at war with nations who were bursting from bondage." Bacchanalian revels closed the scene. At Lexington, an effigy of Jay was "ushered forth from a barber's shop, amidst the shouts of the people, dressed in a courtly manner, and placed erect on the platform of a pillory. In his right hand, he held uplifted a rod of iron—in his left, "Swift's last speech in Congress on the British depredations." About his neck was suspended by a hempen string, "Adams's defence of the American Constitution," on the cover of which was inscribed, "Gold bade me write." After this exhibition the effigy was guillotined; and the body, which had been filled with powder, exploded; the air resounding with scoffs and hisses. These puerile, vulgar ebullitions, were not without their influence.

Soon after the nomination of the special envoy to London, Hamilton entered upon a consideration of the subjects to be embraced in this negotiation. His reflections, as has been stated, first assumed the form of "Points to be considered in the Instructions to Mr. Jay, Envoy Extraordinary to Great Britain." Of these, the leading proposition was—"Indemnification for the depredations upon our commerce, according to a rule to be settled."

The desirable rule, he stated to be, that laid down by

theoretical writers as the rule of the law of nations;— "that none but articles, by general usage deemed contra band,* shall be liable to confiscation, and that the carrying of such articles shall not infect other parts of a cargo, nor even a vessel carrying them, unless there were appearances of a design to conceal." If this rule should be found unattainable, certain qualifications were stated to occur to consideration.

"The indemnification for prizes made by proscribed vessels, of which an expectation had been given by the President," he said, "might be confirmed by convention."

The second consideration was, an arrangement with regard to the future—the basis to be the rule already quoted of the general law of nations; but this, he thought, would probably be unattainable; and it was expected, that the same exceptions insisted upon as to the past, would also be insisted upon as to the future. The idea of a place blockaded or besieged by construction, which is not actually so, he advised, ought to be excluded in either case.

"A stipulation against the sale of Prizes in our ports, it was expected, would be insisted upon, and it was held just that it should be given." He further advised, "A stipulation prohibiting, in case of war with any Indian tribe, any other supplies in any other quantities than those usually furnished in peace; giving to the party at war a right to keep an agent at the posts or settlements of the other party nearest the Indians, to ascertain the faithful execution of this stipulation."

The second "Point" related to the grounds of adjustment, with regard to the late Treaty of Peace. On the

* Instrumenta belli. The existing Treaties were deemed a good guide as to contraband.

part of the British: Indemnification for our negroes carried away, and the surrender of our posts. On the part of the United States: Indemnification for the obstructions to the recovery of debts, not exceeding a limited sum.

Besides these, it was deemed desirable to insert a provision, that neither party should, in time of peace, keep up any armed force upon the Lakes; nor any fortified places within a specified distance, except Posts for small guards (the numbers to be defined) stationed for the security of the Trading Houses, &c.; another, giving to each party, under due precautions and regulations, a free trade with the Indians inhabiting within the limits of the other.

The third "Point" was a Treaty of Commerce. "The statu quo," he said, "may be taken with the following exceptions:—a privilege to carry to the West India Islands in our vessels of certain burthens (say, not less than sixty tons,* nor more than eighty tons,) all such articles as may now be carried thither from the United States in British bottoms; and to bring from thence directly to the United States all such articles as may now be brought from thence to the United States in British bottoms."—The privilege of carrying to Great Britain and Ireland, *manufactures* of the United States, similar to those which now are or hereafter may be allowed to be carried thither by other nations who stand on the footing of the most favored nation, and upon terms of admission equally good, was to be sought as equivalents.—The extra tonnage and duties on British vessels and goods imported in British vessels to be done away;† and, if desired, a stipulation to be entered into, that the commodities and manufactures of Great Britain and Ireland may be imported into the United States upon terms equally good with the like com-

* This was the limit prescribed by France.

† This was done by a convention in 1815, which was renewed indefinitely, Aug. 6, 1827.

modities and manufactures of any other nation; that the duties upon such of them as now pay ten per cent. ad valorem and upwards shall not be increased; and that the duties upon such of them as now pay under ten per cent. ad valorem shall not be increased beyond ten per cent.

A Treaty on these terms he proposed to be made for any term not exceeding ——— years. "But," he observed, "if such a treaty cannot be made, it deserves consideration, whether a treaty on the basis of the *Statu quo* for a short term, (say five years) may not be advisable, as an expedient for preserving peace between the two countries."

These "Points" were submitted to the President. After deliberation in the Cabinet, the Instructions were finally completed on the sixth of May. Reparation for the captures and spoliations during the existing war, and an adjustment of the controverted questions respecting the inexecution of the Treaty of Peace, particularly the restitution of the Western Posts, were the principal objects. Should an accommodation be effected as to these two Points, overtures were directed to be made for a Treaty of Commerce, to contain, if practicable, certain enumerated provisions.

The three first subdivisions of the Instructions, as finally adopted, Hamilton regarded as little creditable to the United States. The fourth was from his pen, embodying the suggestions contained in the third point of his propositions, and suggesting, as a valuable ingredient, an arrangement *fixing* the privileges, now enjoyed in the British East Indies by *toleration*.

The fifth head of the Instructions contemplated overtures for an alliance with Russia, Denmark and Sweden, on the principles of the armed neutrality, in the contingency of an unsuccessful negotiation with Great Britain.

This was contrary to the early opinion of Hamilton, and was objected to by him. It also proposed the intervention of Great Britain with Algiers for the liberation of the American captives, and for a peace upon reasonable terms. The sixth head directed that these Instructions should be the outlines of the conduct to be pursued, but to be considered as recommendations, subject only to the restrictions of the fourth subdivision, of entering into no engagement derogatory from those with France, and that a Commercial Treaty should secure a direct trade with the West Indies "in our own bottoms *generally* or of certain defined burthens." *

It is an important fact, that Randolph objected † at the last moment to power being given to Jay to *sign* a treaty, *to be ratified;* on the ground that, if signed, it must be ratified; and thus, the power of the Senate to judge of its merits would be abridged. This is the more remarkable, when it is recollected, that a primary objection to treat with Hammond had been his want of power to *conclude* a treaty.

On the day of the date of this document, an unofficial letter was addressed to Jay by Hamilton, which refutes, if it were necessary to refute, the calumny, that he was willing to sacrifice essential American interests to his desire for a British connection.

"PHILADELPHIA, May 6th, 1795—MY DEAR SIR: I send you herewith sundry papers and documents, which contain information that may be not useless to you in your mission.

"I had wished to have found leisure to say many things to you, but my occupations permit me to offer only a few loose observations.

"We are both impressed equally strongly with the great importance of a right adjustment of all matters of past controversy, and of a

* American State Papers. Foreign Relations, i. 473.

† Hamilton's Works, iv. 549. May 6, 1794.

future good understanding with Great Britain. Yet important as this object is, it will be better to do nothing—than to do any thing which will not stand the test of the severest scrutiny, and especially which may be construed into the relinquishment of a substantial right or interest.

"The object of indemnification for the depredations committed on our trade in consequence of the instructions of the sixth of November is very near the hearts and feelings of the people of this Country. The proceeding was an atrocious one. It would not answer in this particular to make any arrangement on the *mere appearance* of Indemnification. If nothing substantial can be *agreed upon*, it will be best to content yourself with endeavoring to dispose the British Cabinet of their own accord, to go as far as they think fit, in reparation; leaving the United States at full liberty, to act afterwards as they deem proper. I am, however, still of opinion, that *substantial* indemnification, on the principles of the instruction of January the eighth, may in the last resort be admissible.

"What I have said goes upon the idea of the affair of indemnification standing alone. If you can effect solid arrangements with regard to the points unexecuted of the Treaty of peace, the question of indemnification may be managed with less rigor, and may be still more laxly dealt with, if a truly beneficial Treaty of commerce (embracing privileges in the West India Islands) can be established. It will be worth the while of the Government of this Country, in such case, to satisfy itself, its own citizens, who have suffered.

"The principle of Great Britain is, that a neutral nation ought not to be permitted to carry on in time of war a commerce with a nation at war, which it could not carry on with that nation in time of peace. It is not without importance in this question—that the peace system of France allowed our vessels access to her Islands with a variety of our principal staples, and allowed us to take from thence some of their products; and, that by frequent colonial regulations, the privilege extended to almost all other articles.

"The great political and commercial considerations which ought to influence the conduct of Great Britain towards this Country are familiar to you. They are strengthened by the increasing acquisitions in the West Indies, if these shall be ultimately confirmed, which seem to create an absolute dependence on us for supply.

"I see not how it can be disputed with you, that this country in a

commercial sense is more important to Great Britain than any other. The articles she takes from us are certainly precious to her, important, perhaps essential, to the ordinary subsistence of her Islands—not unimportant to her own subsistence *occasionally*, always very important to her manufactures, and of real consequence to her revenue. As a consumer the paper A will show that we stand unrivalled. We now consume of her exports from a million to a million and a half, sterling, more, in value, than any other foreign country, and while the consumption of other countries from obvious causes is likely to be stationary, that of this country is increasing, and, for a long series of years, will increase rapidly. Our manufactures are no doubt progressive. But our population and means progress so much faster, that our demand for manufactured supply far outgoes the progress of our faculty to manufacture. Nor can this cease to be the case for any calculable period of time.

"How unwise then in Great Britain to suffer such a state of things to remain exposed to the hazard of constant interruption and derangement by not fixing on the basis of a good Treaty the principles on which it should continue.

"Among the considerations which ought to lead her to a Treaty, is the obtaining a renunciation of all pretensions of right to sequester or confiscate debts by way of reprisal, &c., though I have no doubt this is the modern law of nations. Yet, the point of right cannot be considered so absolutely settled as not to make it interesting to fix it by treaty.

"There is a fact which has escaped observation in this country, (and which as there has existed too much disposition to convulse our trade, I have not thought it prudent to bring into view,) which it is interesting you should be apprised of. An act of Parliament 27 George III., chapter 27, allows *foreign European vessels*, single-decked and not exceeding Seventy Tons burthen, to carry to certain ports in the British West Indies particular articles therein enumerated, and also to take from thence certain articles.

"This consequently puts an end to the question of precedent, which is so strongly urged against a departure from the British Navigation Act in our favor; since it gives the precedent of such a departure in favor of others, and to our *exclusion*, a circumstance worthy of particular notice. Our relative situation gives us a stronger plea, for an exception in our favor than any other nation can urge.

"In paper B * the idea of a Treaty of commerce on the footing of the *Statu quo* for a short period (say five years) is brought into view. I should understand this as admissible only in the event of a satisfactory arrangement with regard to the points unexecuted of the Treaty of Peace, but you will discover from your instructions that the opinion which has prevailed is that such a treaty of commerce ought not to be concluded without previous reference here for further instructions. It is desirable however to push the British Ministry in this respect to a result, that the extent of their views may be ascertained.

"The navigation of the Mississippi is to us an object of immense consequence. Besides other considerations connected with it, if the Government of the United States can procure and secure the enjoyment of it to our Western Country, it will be an infinitely strong link of Union between that Country and the Atlantic States. As its preservation will depend on the naval resources of the Atlantic States, the Western Country cannot but feel, that this essential interest depends on its remaining firmly united with them.

"If any thing could be done with Great Britain to increase our chances for the speedy enjoyment of this right, it would be in my judgment a very valuable ingredient in any arrangement you could make. Nor is Great Britain without a great interest in the question, if the arrangement shall give to her a participation in that navigation, and a Treaty of commerce shall admit her advantageously into this large field of commercial adventure.

"May it not be possible to obtain a guarantee of our right in this particular from Great Britain, on the condition of mutual enjoyment and a trade on the same terms as to our Atlantic ports?

"This is a delicate subject not well matured in my own mind. It is the more delicate, as there is at this moment a negotiation pending with Spain, in a position, I believe, not altogether unpromising; and ill use might be made of any overture or intimation on the subject. Indeed in such a posture of the thing an eventual arrangement only could be proper. I throw out the subject merely that you may contemplate it.

"With the most fervent wishes for your health,
"comfort and success, I am, Dear Sir,
"Your affectionate and ob't servant, A. H."

* This paper contemplated the fixing by treaty the several rates of duty then existing by law,—with some additional provisions.

Conferences between the American Envoy and Lord Grenville were opened at London on the twenty-seventh of June, ninety-four. Early in the month of April, Hamilton had taken measures to prepare the British Government for this advance on the part of the United States; and it was met in a spirit of frankness and justice.

To the great surprise of Jay, he was informed in the outset, that not a single case of capture under the Instructions of November had been laid before the British Government; and it appeared from a statement of Pinckney, that "no such cases had been transmitted to him."

This extraordinary omission by the Secretary of State, to place before a Government, whose conduct was deemed such by his party, as to warrant sequestration and non-intercourse, a single case for redress, was sought to be accounted for by Randolph. He alleged his expectation, that the Executive would take them up on public ground; talked of delays incidental to his public duties, and of the diversity of projects in Congress with respect to Great Britain.

Soon after these conferences began, copies of the irritating correspondence between Randolph and Hammond reached London. Intelligence was also received there of the capture of a French vessel, which had sailed during the embargo under a passport from Randolph, as he averred, to proceed in ballast, granted at the special instance of the French Ambassador to convey despatches; and which, in disregard of its influence on the relations with Great Britain, had been freighted with *gunpowder!!*

It was of the first importance, that the British Government should distinguish between party violence or individual indiscretions, and national acts; and at the very moment of learning Simcoe's advance to the Miami,

the following letter was opportunely received by Jay from Hamilton. It bears date the fourth of June:

"The session of Congress is about to close better than I expected. All mischievous measures have been prevented, and several good ones have been established; among these, additional provisions of revenue, and some of force are not the least important.

"But, as more immediately connected with the objects of your mission, you will learn with satisfaction, that the bill which had passed the Senate before you left this, for punishing and preventing practices contrary to Neutrality has become a law with only one material alteration, the rejection of the clause which forbids the selling of prizes. I now consider the Executive and the Judiciary as armed with adequate means of repressing the fitting out of privateers, the taking commissions, or enlisting in foreign service, the unauthorized undertaking of military expeditions, &c.

"At Charlestown some considerable irregularities have lately happened, but means have been taken and are in train, which will no doubt arrest their progress and correct the evil. I believe it would be useful for you to collect and communicate exact information with regard to the usage of Europe as to permitting the sale of prizes in Neutral countries. If this should be clearly against the toleration of the practice, the Executive might still perhaps disembarrass itself.

"Men's minds have gotten over the irritation by which they were some time since possessed; and, if Great Britain is disposed to justice, peace, and conciliation, the two countries may still arrive at a better understanding than has for some time existed between them. Is there not a crisis which she ought not to suffer to pass, without laying a solid foundation for future harmony? I think there is. Adieu, my dear Sir. Not knowing how far any press of business on the department of State might delay its communications, I thought a few hasty lines would not be unacceptable."

From Jay's reply, it appears, that he communicated this letter to Lord Grenville—that his prospects were favorable—that he feared the Posts would labor; but that he concurred with Hamilton in the opinion, that "we must not make a delusive settlement that would disunite our people, and leave seeds of discord to germinate."

On the first of August an answer to a representation by Jay as to the depredations on the American commerce was received. In this paper, assurances were given of the desire of Great Britain to do "the most complete and impartial justice" for the injuries which had been sustained; of the intended interposition of the Government, where it could not be had in the ordinary course of law; and of their purpose to remove all causes of complaint arising from the impressment of American seamen.

Conferences were subsequently held in respect to the infractions of the Treaty of Peace by the deportation of negroes and of other property, and by the retention of the Posts. In these conferences Great Britain asserted, that the first breach was on the part of the United States, denied the American construction of the Article respecting the negroes; refused compensation for them, and insisted, that the repeated violations of the Treaty by the Individual States, before the period fixed for the surrender of the Posts, justified the detention of them.

The American negotiator proposed reciprocal concessions. Among those asked by England was a contraction of the North Western boundary of the United States, which was explicitly refused. The preliminary difficulties being overcome, mutual projects of Treaty were interchanged. That of Jay * embraced a series of equivalents in which all mutual complaints and claims were merged. The adjustment of the boundary by Commissioners and the surrender of the Posts. Compensation (by the ordinary course of law, or if impracticable, by Commissioners,) for all irregular and illegal captures and condemnations by Great Britain;—and, on the part of the United States, compensation (by the ordinary course of

* Aug. 6, 1794.

law or by Commissioners) for British debts, contracted before the peace.

A direct trade was proposed in vessels of the United States of one hundred tons or under to the British West Indies of articles admitted in British bottoms, with return cargoes to the United States of the productions and manufactures of those Islands, paying only such duties and charges on exportation, as British vessels would be liable to—with the restriction, that they carry and land the same in the United States only; it being expressly agreed, that *West India* productions or manufactures shall not be transported in American vessels either from those West Indies or from the United States to any part of the world, except the United States; Sea Stores and Rum made of West India Molasses being excepted. A free and open commerce was to exist in all the productions and manufactures of either country in all other ports of the British dominions (not comprehended within the limits of chartered Trading Companies) and of the United States, subject only to Native tonnage Duties. The admission of the productions and manufactures of either nation by their vessels into the ports of the other, paying the duties on importation there established was proposed. Future provisions were to be made to secure reciprocity.

A prohibition of the sale of the prizes of either nation being at War and the other being neutral in the ports of the Neutral—a stipulation against the employment of Privateers, and against escheats of land by reason of alienage; and an express prohibition of any sequestration or confiscation of private debts or engagements in consequence of national differences were to be made.

The outline of two treaties founded on these propositions; one relating to existing controversies and claims; the other of commerce, was presented on the part of

Great Britain. The former provided for the evacuation of the Posts on the first of June seventeen hundred ninety-six; for the appointment of Commissioners to adjust the North Eastern Boundary; and prescribed certain western limits which implied a cession of territory to Great Britain; rendered the navigation of the Mississippi, where it bounded the United States, free to both parties, and reserved to British subjects free entry into all ports, creeks and bays on the American side, and of residence thereon for commercial purposes; stipulated payment by the United States of all British debts contracted before the Peace to be ascertained by commissioners, if requisite;—compensation to the United States for captures and spoliations to be adjusted in a similar mode; with satisfaction for the captures of British vessels and merchandise made either within the jurisdiction of the United States, or by vessels armed in their ports, or commanded or owned by their citizens.

As to neutral commerce during war with the *European* enemies of either party, it provided, that the principles to be observed were to be such as would apply towards the most favored nations of Europe with the exception of privileges granted to such nations prior to such war by special treaty, and with such modifications as may be established by special treaty between Great Britain and the United States; and that vessels captured, carrying contraband articles, should be brought to the nearest port for adjudication; that prizes made from either party, the other remaining neutral, should be excluded from the ports of the neutral, and the sale of them publicly prohibited; and that Privateers should not be employed, except by way of authorized reprisals. It also provided against the sequestration or confiscation of public or pri-

vate engagements, and against escheats, on the ground of alienage.

The commercial project proposed a reciprocal and perfect liberty of commerce between the British European dominions and the United States, with the right to each party of appointing Consuls.

The same liberty was assured to the vessels of both parties of entry and commerce in their ports, as were or should be enjoyed by the nations the most favored in that respect, and without any distinction of tonnage or other duties (such Light House duties excepted as are levied for the profit of Individuals or of Corporations) by which the vessels of either party should pay higher or other duties than those paid by nations the most favored in that respect, or by vessels of the party into whose ports they shall come.

The same duties on articles, the growth produce or manufacture of the contracting parties, as were paid on the like articles on their importation *from any other country*, were to be laid; and it was provided, that no *new prohibitions* should be laid on articles the produce or manufacture of either country; and that the number of prohibited articles imported from any other country by the vessels of either party should not be enlarged.

As to the British West Indies, it contained an article which authorized the importation into them in American vessels, not exceeding seventy tons burthen, of any goods or merchandise the growth or produce of the United States, which it then was or might be lawful to import thereto in British bottoms, such American vessels and their cargoes being subject to the same duties as were paid by British bottoms;—permitting the exportation from them in such American vessels of all articles, the growth and produce of such West Indies as might be ex-

ported in British vessels, and subject to tne same duties; such articles to be landed in the United States. Their exportation in such American vessels either from the West Indies or the United States to any other part of the world to be prohibited by the United States, with the exception of Rum made in the United States from West India molasses. This article was to continue in force *only during the existing war* and *two years after* the termination of it by peace. The West India Trade was then to become the subject of a new negotiation. The Treaty in all other respects to be in force for a period of twelve years from the date of its ratification.

The proposition most strenuously controverted, was that fixing a boundary, which would have contracted the territory of the United States. This was abandoned by Great Britain.—The other more important suggestions were those which proposed a definition of the term *contraband*, and a prohibition against *Impressment*. The definition of Vattel as to contraband was adopted, confining it to articles classed under the term "Instrumenta belli." *Provisions* were only to be so considered, where there was an expectation of reducing an enemy by famine; and in such case, they were not to be confiscated, but the full value to be paid for them with a reasonable mercantile profit and the freight and demurrage incident to their detention.

While the conferences were at this interesting stage, Jay wrote to Hamilton, informing him of the obstacles he had to encounter from the conduct of the Democratic party in the United States, and especially from Randolph's letters to Monroe then at Paris, and his speech when introduced to the Convention.

In a dispatch of the fifteenth of December, Randolph, having previously objected to the postponement of a final

settlement; stated his objections to the pending propositions. Compensation for the negroes he insisted on. The epoch for surrendering the Posts was deemed too remote, from an alleged apprehension of Indian hostilities. The proposed compensations for captures by French cruisers fitted in the United States was to be placed on the footing it had been by his predecessor. Neutral commerce it was desired should be freed from contraband, especially provisions. As to satisfaction for the British captures, it was to be placed on the broad ground that the principle under which they were made was unsound. The stipulation as to British debts was coldly assented to; and he suggested, that the United States should be considered as assignee of the judgments against the debtors, "that they may reimburse themselves as far as they can."

Lord Grenville's project was submitted to Hamilton. His views of it were communicated to Randolph, and some of them were embraced in this dispatch.*

Various modifications of the respective projects were made, and a treaty was signed at London before the period when the commentary of the American Government on the protocols was written.

The most important of these modifications were—the introduction of a stipulation which opened the British Ports in the East Indies to American vessels and their cargoes on the payment of the same duties as were charged on British vessels, and the specifications in the twelfth article relating to the West India trade; with the clause which rendered the continuance of all, but the permanent articles, dependent on the renewal or readjustment of that article.

After introducing into this article the provision sug-

* Hamilton's Works, v. 29.

gested by Hamilton as to the trade with the West Indies, Jay unfortunately assented to the proviso, that American vessels should "carry and land their cargoes in the United States *only*," and that the United States would "prohibit and restrain the carrying molasses, sugar, coffee, cocoa or *cotton*" in American vessels, "either from his Majesty's Islands or from the United States to any part of the world, except the United States." "If this treaty fails," Jay wrote to Hamilton on the day of signing it, "I despair of another."

Hamilton remained at Philadelphia a fortnight after his resignation, in daily expectation of its arrival. From the time he resigned until that of his departure, he had frequent consultations with the President. His advice was in some instances reduced to writing, and formally submitted to him.

Having received numerous testimonials, both of public and private respect, he departed for New York on the eighteenth of February. Similar marks of gratitude awaited him there. The freedom of the City was conferred upon him, and a large assemblage of the Citizens gave him a public entertainment. He was also strongly urged to accept a nomination as Governor of the State, but he positively declined it.*

He proceeded thence to Albany to the residence of General Schuyler, at which place it was resolved to nominate Jay as candidate to succeed Clinton, who, sensible of the public dissatisfaction, had determined to retire.

* Madison to Jefferson, Feb. 15, 1795: "I suspect that Jay has been betrayed by his anxiety to couple us with England, and to avoid returning with his finger in his mouth, Hamilton does not interfere with Jay. It is pompously announced in the newspapers that poverty drives him back to the bar, for a livelihood."

CHAPTER CXVIII.

Previous to his leaving the City of New York, Hamilton addressed a letter * to the President, explaining an opinion he had given to him in his last interview as to the course to be pursued in case the treaty should not arrive before the Senate adjourned. A special convening of the Senate he thought could not take place, on the ground, that it was an "extraordinary occasion," he having then "no such advice of the treaty as would warrant the assertion," and it might miscarry. Instead of this, he advised, that a letter be sent by express to the most remote Senators, by the Secretary of State, announcing the expectation of it, and that when arrived a proclamation would be issued.

The treaty was received in Philadelphia on the seventh of March, ninety-five, and the Senate were convened for the eighth of June. They assembled on that day. The course to be pursued by that body was a source of much embarrassment—how to save the body of the treaty, and to avoid the confirmation of the twelfth article.

On the eleventh of June, Hamilton wrote to King:

"I thank you for your letter of the tenth. The case has been with me as with you. Reflection has not mitigated the exceptionable point. Yet it will be to be lamented, if no mode can be devised to save the main object, and close the irritable questions which are provided for.

* Feb. 25, 1795.

Every thing besides an absolute and simple ratification will put something in jeopardy. But, while on the one hand, I think it advisable to hazard as little as possible, on the other, I should be willing to hazard something; and unwilling to see a very objectionable principle put into activity.

"It is to be observed, that no time is fixed for the ratification of the Treaty. It may then be ratified with a collateral instruction to make a declaration, that the United States consider the article in question, aggregately taken, as intended by the King of Great Britain as a privilege; that they conceive it for their interest to forbear the exercise of that privilege, with the condition annexed to it, till an explanation in order to a new modification of it, shall place it on a more acceptable footing; or till an article to be sent to our minister containing that modification shall be agreed upon between him and the British Court as a part of the treaty. The ratification not to be exchanged without further instruction from this country, unless accepted in this sense, and with this qualification.

"This course appears to me preferable to sending back the Treaty to open the negotiation anew, because it may save time on the points most interesting to us; and, I do not see, that, if the ratifications be exchanged with this saving, there can be any doubt of the matter operating as intended."

After an examination by the Senate of its articles in detail, Burr moved, that its further consideration be postponed, and that a new negotiation should be commenced, with a view to expunge several of the articles and to modify others, and to secure indemnity for the negroes deported. Tazewell of Virginia went further; he moved, that the Treaty be *rejected*. Both these motions were lost by a vote of two thirds of the Senate.

Great as was the zeal to obtain reparation for the negroes, not a single member of the minority voted for a motion to make that the subject of a distinct negotiation.*

* This was moved by General Gunn, June 25th, and recommended by Read.

The Attorney General Bradford, wrote to Hamilton on the twenty-first of May, stating:

"The conduct of Fauchet, which you so justly reprobate, could not escape the notice of the President, though it does not seem to have excited so much public attention as I expected. * * * He finds great fault with Mr. Randolph of late, and I understand has had the effrontery to complain, 'that he did not show him the whole of the instructions to Mr. Jay; and that he did not inform him that Mr. Jay was authorized to conclude a commercial treaty.' On the subject of that treaty, he is extremely irritable, and from various circumstances I have reason to believe, that the pieces signed 'Franklin,' which are directed against our having any communication with Great Britain, are written under his direction, but it is impossible to prove that the fact is so."

Hamilton thus replied:

"Yours of the twenty-first of May, by going to Albany, did not reach me till yesterday. The expectation of Mr. Adet properly varied the course of proceeding. I am glad the impression with you corresponded with mine.

"If Mr. Randolph showed Fauchet any part of the instructions to Mr. Jay, I do not much regret that he manifests displeasure at the withholding of a part. When shall we cease to consider ourselves as a colony of France? To assure her Minister, that the instructions to Mr. Jay contained nothing which could interfere with our engagements to France, might, under all the circumstances, have been expedient; but to communicate specifically any part of the instructions to our envoy, was, in my judgment, improper in principle and precedent.

"I expect the Treaty will labor. It contains many good things, but there is one ingredient in it which displeases me, of a commercial complexion. I am, however, of opinion, on mature reflection, that it is expedient to ratify, accompanied by a declaration that it is our intention, till there be a further explanation and modification of the article, to forbear the exercise of a certain privilege, and consequently the performance of the condition of it, or something equivalent. This, it is true, may, or may not be accepted. But I believe it will create no difficulty, and I would rather risk it, than take the Treaty unqualifiedly. I prefer this course to that of sending back the Treaty for a new negotiation, because (among other reasons) it may save time, and

more speedily close certain matters which I deem it very important to terminate.

"I am also glad to learn, that, since the date of your letter, there have been some convictions of the insurgents. This was very essential to the permanent good effects of the measures which were pursued on that subject, You see, I have not entirely lost my appetite for a little politics—you must not infer that I have not a very good one for law.

"P. S.—I had almost forgotten a principal object of this letter. It concerns the Marquis La Fayette. In conversation, I think, but certainly by letter (this *entre nous*) I suggested to Mr. Jay, that in case the Treaty with Great Britain turned favorably, it will be well to hint to the British Minister, that the United States took a very particular interest in the welfare of La Fayette, and that the good offices of that country to procure his liberation, would be regarded as a valuable mark of friendship. I believe, I also had some conversation, in the same spirit, either with the President, or the Secretary of State, but I do not remember if any thing was done. If the thing has not been tried, and if the Treaty is ratified, will it not be advisable to instruct the person who is to exchange it, to accompany it with an observation of the above import. The moment will be a favorable one—and I imagine the time is fast approaching when La Fayette will recover his popularity in his own country. The chief thing against this is, the rivalship of those who hold the power. But will they not be glad to consolidate their general plan by the weight of a man, who with all parties has maintained the character of *well-intentioned*, and who probably has the good will of the multitude, spite of all that has passed. I see no inconvenience in your taking occasion to ask Mr. Jay, if the Marquis La Fayette was ever the subject of conversation between him and the British Ministry, and how it terminated. And I will thank you, if you feel yourself at liberty, to let me know whether any thing like the step I have suggested obtains."

At the meeting of the Senate, a resolution was offered by King, declaring its "advice and consent" to the treaty. Burr proposed a substitute, that its further consideration should be postponed, and that the President be recommended to proceed without delay to further friendly

negotiations with Great Britain to effect certain specified alterations. Some of these alterations were such as it was obvious the British government must refuse. This substitute, being sustained by only one-third of the Senators, failed. In lieu of it, a resolution was moved by Tazewell and seconded by Langdon, refusing the consent of the Senate to the ratification, on stated grounds of inexpediency, inequity, and unconstitutionality. This resolution was also lost, and after a full investigation of its provisions, and after a most vehement opposition, stimulated by the French Minister, who hastened to Philadelphia during the discussion, the treaty was, in pursuance of Hamilton's advice, ratified *conditionally* on the twenty-fourth of *June*, but by a mere constitutional majority.* The condition was, that an article be added, which should suspend so much of the twelfth article, as respected the West India trade. With respect to this, the President was requested to open a new negotiation.

The Attorney General replied to the recent letter from Hamilton:

"I took care, before my departure, to bring the situation of La Fayette into the President's notice, and submitted to him the propriety of the step you suggested for his relief. I find that the mode of ratification *you hinted* as the proper one, has been advised. Yet the resolve of the Senate is so equivocally expressed, that it may mean, either that the President shall *now* make a conditional ratification, or that he shall ratify it *hereafter*, if the British King shall consent to insert in the Treaty the proposed article. Which of these do you take to be the true construction?"

It was the expectation of the majority that the President would transmit to the Senate a new article suspend-

* Negatives: Virginia, N. Carolina, Langdon of N. H., Robinson of Vermont, Burr of N. Y., Brown of Kentucky, Butler of S. C., and Jackson of Georgia.

ing the twelfth article; and, if it should be approved by them, would immediately ratify the treaty provisionally. Randolph used all his influence to prevent this course being taken. He stated to the President,* that it involved "critical, delicate and hazardous points."

"If he sends an article ready drawn, it will be asked, why did he do so? The answer is, that he was anxious to prevent delays in concluding the treaty. Does he mean to exhibit his approbation of the treaty *so strikingly?* * * * As a qualified ratification is a new thing in diplomatic history, so may our forms of proceeding be accommodated to the newness of our situation. Hence the President has on one occasion inquired of the Senate, whether they would ratify a treaty with a certain clause in it. But he has never yet gone so far, as to ask them *now* to approve a particular article, which he proposes, and *now*, *beforehand*, to approve a treaty which shall have that article in it. * * *

"Does he mean to ratify it *now*, so as to render it unnecessary for the treaty to come back to *himself*, after the new suspending article is inserted? If he does, the propriety of putting a final *seal* on an act before it is complete, or of delegating to another the power of seeing that it is complete, is, to say the least, very doubtful. And if the President ought not to do this for himself, ought he to apply to the Senate to do it for themselves?"

These and other doubts suggested by him were sufficient for the attainment of Randolph's object. No new article was transmitted to the Senate; and after waiting two days, it adjourned on the twenty-sixth of June.

It has been stated that the opposition was stimulated by the French Minister. Unwilling to appreciate the wise and enlarged motives to a neutral policy, which influenced the Administration, all the efforts of France had been directed to one point, that of engaging the United States with her as a party to the war. Misled by the opposition, she feared or feigned to fear, that a treaty of

* Washington's Writings, xi. 477.

amity with England would lead to a closer connection. Thus the toils she had woven would be broken—America would not become her satellite; and her repeated efforts to reduce her to a state of colonial dependence would be defeated.

The same arts which Genet had been instructed to practice, but which he wanted skill to use, were repeated. While Monroe was informed at Paris, that redress for the injuries inflicted in violation of neutral rights and of the treaty of alliance would depend on the terms of the treaty with England, Adet, the successor of Fauchet, opened his correspondence at Philadelphia.

He arrived there on the thirteenth of June, while the Senate was in Session, and on the sixteenth stated, that he should, the following day, transmit an Act of France relative to commerce. It was not sent. On the twenty-second, four days before the Senate adjourned, he was reminded of his promise; again he promised it on the next day, but again failed to transmit it.

On the twenty-ninth he stated in an interview with Randolph, that he had brought the commercial decrees previously mentioned by Genet, and was instructed to negotiate a treaty of commerce. His documents were asked. They were promised. Having mentioned the inquietudes of France, lest the treaty with England had disabled the United States from entering into a more liberal commercial treaty with France, by Hamilton's advice a copy of it was communicated to him.

"I presume," he wrote Wolcott, "with the reserves that decorum requires, he is apprised of the contents of that treaty. This ought, at least to go so far, as to satisfy him, that there is nothing in it, inimical to his country, especially as I suppose it to have been adopted. It is well to regard our peace in all things as far as shall consist with dignity. Indeed, I am of opinion, on the whole, that all further mystery,

at present, is unnecessary and ought to be waived, for the satisfaction of the public mind. I do not think any scruples of diplomatic decorum ought to stand in the way."

The following day Adet presented his objections in writing. The reply insisted, that they were groundless. He then exhibited a part of his Instructions. They were to "*prepare* the means and arrangements to treat, and then to communicate them to the Committee of Safety."

He was informed, the next day, of the readiness of the government to open a negotiation, and the dates of the commercial decrees, referred to by him, were asked. A week elapsed. He replied on the eighth of July, "that he knew of no other than those communicated by Genet, and stated the objects of France to be,—"a reciprocal exemption from the tonnage duties;" and the respective naturalization of the French and American Citizens, "proposed by Jefferson, and desired by the French nation."

Professions of a desire to treat were made, but no such purpose was evinced. Every thing turned upon the question of the ratification of the treaty with England. The objections and the delays were all intended to announce to the United States, that the exercise of the right and duty of an independent nation to obtain reparation and preserve peace was to determine, whether her ally would become her enemy.

It has been remarked, that the doubts suggested by Randolph had prevented an immediate provisional ratification of the treaty by the President, before the adjournment of the Senate.

Their resolution presented another question which required his serious consideration. Could the President under that resolution ratify the treaty, excluding its twelfth article, without submitting it again to the Senate?

To confirm his well-founded doubts, this question was immediately brought before the public in an opposition newspaper, and was discussed at length. All the energies of the Democratic party were at the same time put in requisition to sway his mind.

At the opening of the Senate, a copy of the treaty was confided to each Senator, under the usual injunction of secresy.

The importance of the interests involved in it awakened an intense anxiety to be informed of its provisions. This anxiety was increased by publications in the London papers, purporting to contain extracts from it; and was stimulated by clamors against the Anti-Republican secresy which had been observed.

On the last day of the session, the injunction of secresy as to the papers communicated by the President was removed, but the Senators were "enjoined not to authorize or allow any copy of those communications or of any article of them to be taken;"—a compromise induced by the impossibility of maintaining absolute secresy.

An imperfect sketch of the treaty tending to produce false impressions, had been perfidiously communicated to and was published in the leading Democratic Gazette.* This was followed by a note from Mason, † one of the Senators of Virginia, addressed to the Editor of the same Gazette, three days after the Senate had adjourned, in direct violation of its injunction, inclosing an accurate transcript of it. ‡

The plea assigned for this procedure was, that "an abstract, not perfectly correct had been given;" and

* "The Aurora." † Stevens Thompson Mason.

‡ Jefferson to Monroe, Monticello:—"It" (the British Treaty) "has in my opinion completely demolished the monarchical party here."—"Yes. The Treaty is now known here by a *bold act of duty*, in one of our Senators."

that it was of importance, "that the people should possess a full and accurate knowledge" of it.

To remove the prejudice this procedure excited, it was falsely charged that Rufus King had divulged the Treaty by furnishing Hammond with a copy. The charge was repelled by the Senator from New York; who stated that he had acted strictly within the limits of the injunction in having permitted a copy to be read;—but that no copy had been given; a permission which had been freely exercised by other members of the Senate.

The Commissioners of Spain came in aid of the Minister from France. They earnestly deprecated the article respecting the Mississippi, and affecting to doubt, demanded whether the copy, thus promulgated, was genuine?

A very large impression of the Treaty was printed with the greatest despatch at the office of the Aurora; and Bache, its Editor, hastened to Boston, distributing copies on his route. Numerous emissaries also traversed the Country, busy in misrepresenting its features. Thus, before the friends of the Administration had time to make known its true character, a widely-extended prejudice was excited against it.

Public manifestations of this discontent, it was hoped, would decide the President.

The movement began at Philadelphia. The fourth of July, instead of being celebrated by the Democratic party as the birthday of American liberty, was solemnized as a day of humiliation. It closed with the exhibition of a transparency of Jay, holding scales, in which "British Gold" was represented to preponderate over American Independence; and he was exhibited as inviting a bribe to sell his country. The effigy was burned amid loud huzzas. Soon after, on the thirteenth of that month, a

meeting of the town of Boston was held, Samuel Adams taking part. Before time had intervened to read the treaty, Resolutions were adopted of unmeasured condemnation. A simultaneous meeting was held in Charleston, where there seemed to be little division of opinion. Led on by Charles Pinkney, that city spoke her unqualified reprobation.

In this denunciation, Chief Justice Rutledge united, impeaching not only the conduct but the motives of Jay. Gadsden followed, the excited mob meanwhile dragging a British flag along the streets and burning it in front of the British Consul's dwelling. At Wilmington, the capital of Delaware, Rodney was loud in his violence, thus earning a title to preferment; nor was John Dickinson restrained from a conspicuous hostility. At New Haven, at Newport, and at Portsmouth, similar demonstrations were seen.

Each extremity of the Union appeared on this occasion to vie with the other in denouncing the measure. The clamors of the opposition rent the sky. Amazed at this sudden and unexpected outbreak, the friends of the Administration were silent. Fully convinced of the difficulties to be encountered in sustaining the Senate, from intrinsic objections to the treaty, they had not been apprized of the secret, well-concerted, and extensive machinations to astonish and subdue the President.

At the same time, a public meeting was called of the citizens of New York. To prevent the expression of a prejudiced opinion, they were requested at the proposed meeting to listen to a calm discussion of its merits, and were warned against the adoption of any party resolutions.

On the eighteenth of July, an immense concourse

assembled in front of the City Hall, where Hamilton endeavored to address them. A clamor was raised, and a chairman appointed. He then renewed the attempt. Loud vociferations ensued. To prevent discussion, the Meeting was urged to divide to the right and left.

A part of the opposition proceeded to the Battery, bearing the French and American flags; and having burned the treaty before the residence of Jay, rushed back to their former station. Meanwhile, Hamilton proposed that they should adjourn to a church, and there consider it. This proposition drew forth hisses from the opposition. Brockholst Livingston, son of the Governor of New Jersey, and brother-in-law of Jay, acting in concert with the family of that name, under the lead of Chancellor Livingston, was conspicuous. He opposed the adjournment "on the ground, that as the President might ratify the treaty at any moment, an instant decision was necessary."

Hamilton again attempted to address them, exclaiming; "Fellow citizens—Respect yourselves. I conjure you to respect yourselves." He was replied to by a volley of stones, one of which struck his forehead; when bowing, he remarked, "If you use such knock-down arguments I must retire." After a short interval, finding every effort to induce a discussion unavailing, he offered a Resolution, declaring the confidence of the Meeting "in the wisdom and virtue of the President to whom with the Senate the discussion of the question constitutionally belonged, and that it did not appear necessary to express any opinion on the Treaty." A clamor was raised;—loud cries of dissatisfaction were heard; and it being obvious, that the sentiments of this assemblage could not be

fairly ascertained, the friends of the Administration retired.*

An altercation having arisen at this meeting between Commodore Nicholson—a brave, rude, uneducated man, who had been previously conspicuous in the reception of Genet—and another person, Hamilton, knowing his temper, interposed kindly to prevent a serious issue. Nicholson immediately turned upon Hamilton, charging him with being "an abettor of tories," and indulging in other insulting language. Having waited a day to give him an opportunity of apology, and no apology being tendered, two days after the public meeting, Hamilton, through Major Fish, sent him a peremptory message, which was accepted. Made sensible of his unjustifiable conduct, Nicholson, yielding to the advice of his second, gave a written apology in terms dictated by Hamilton. At this same meeting, one of Hamilton's most worthless enemies was threatened with violence by Federalists; he immediately interposed his protection, insisting that every man had a right to express his opinion without interruption. On a subsequent day the Democratic party assembled, and a set of rash, condemnatory resolutions reported by Brockholst Livingston was adopted, without opposition.

To counteract the hoped-for influence of this proceeding, at Hamilton's instance, a meeting was called of the Chamber of Commerce. It expressed its confidence in the Executive, and its approval of such parts of this Instrument as had been ratified. Similar expressions of opinion were given by the leading merchants of the other seaports.

While acts of violence were taking place at so many distant points, the Democratic papers were loud in their

* "What a *head lopping* looking set of fellows," Hamilton observed, "you have brought to *consider* the treaty."

abuse, and in their efforts to excite the populace. Other commotions followed. The Treaty was publicly burned, both in Boston and Charleston. In Philadalphia, after a Town Meeting had adjourned, at which Chief Justice McKean, A. J. Dallas, and the late Speaker of the House of Representatives—Muhlenberg—were distinguished for their opposition to it, the mob moved in procession through the City, broke the windows of the British Minister, burned the treaty before the doors of their Senator,* and stoned him as he was passing in his carriage.

These examples kindled a ferment throughout the country. In every State, and in many a town, public meetings were held; and an uninformed spectator might well have supposed, that the United States were on the eve of a second revolution.

Meanwhile the President was much embarrassed. The effort of Great Britain, at the beginning of the negotiations, to narrow the limits of the United States, when viewed in connection with her detention of the Western Posts, confirmed the early jealousy her policy had inspired in his breast.† The refusal to make compensation for the negroes deported was an offence to the Southern interests, to which he was not insensible; while her recent

* William Bingham.

† In a Diary of Washington, July 8, 1790—commenting on the communications of Major Beckwith—the President remarks:—"The aspect of this business on the moment of its communication to me appeared simply, and no other than this—'We did not incline to give any satisfactory answer to Mr. Morris, who was officially commissioned to ascertain our intentions with respect to the Evacuation of the Western Posts within the United States, and other matters into which he was empowered to inquire, until, by this unauthenticated mode, we can discover whether you will enter into an alliance with us and make common cause against Spain. In that case, we will enter into a commercial treaty with you, and promise, *perhaps* to fulfil what they already stand engaged to perform.'"

unprovoked and indefensible violations of neutral rights greatly incensed him. Yet the sincere and anxious desire to prevent a resort to arms, which had prompted the mission of Jay, still influenced his mind, and he had resolved, before submitting the treaty to the Senate, to ratify it, if so advised by that body.

It had been ratified by a mere constitutional majority. The conditional terms of that ratification perplexed him much, and in this moment of difficulty, he again appealed to one, to whom he never appealed in vain.

He wrote to Hamilton on the third of July:—

"My dear Sir: The treaty of Amity, Commerce and Navigation, which has lately been before the Senate, has, as you will perceive, made its public entries into the Gazettes of this city. Of course the merits and demerits of it will (especially in its unfinished state) be freely discussed.

"It is not the opinion of *those* who were determined (before it was promulgated) to *support*, or *oppose* it, that I am solicitous to obtain; for *these*, I well know, rarely do more than examine the side to which they lean, without giving the reverse the consideration it deserves; possibly without a wish to be apprised of the reasons, on which the objections are founded. My desire is to learn from dispassionate men who have knowledge of the subject, and abilities to judge of it, the genuine opinion they entertain of *each* article of the instrument; and the *result* of it in the aggregate. In a word, placed on the footing the matter now stands, it is, more than ever, an incumbent duty on me, to do what propriety and the true interest of this country shall appear to require at my hands on so important a subject under such delicate circumstances.

"You will be at no loss to perceive from what I have already said, that my wishes are, to have the favorable and unfavorable side of *each* article stated, and compared together; that I may see the bearing and tendency of them; and, ultimately, on which side the balance is to be found.

"This treaty has, I am sensible, many relations, which, in deciding thereon, ought to be attended to;—some of them too are of an important nature. I know also that to judge with precision of its commer-

cial arrangements, there ought likewise to be an intimate acquaintance with the various branches of commerce between this country and Great Britain, as it *now* stands; as it will be placed by the treaty; and as it may affect our present, or restrain our future treaties with other nations. All these things, I am persuaded, you have given as much attention to as most men; and I believe that your late employment under the General government afforded you more opportunities of deriving knowledge therein, than most of them who had not studied and practised it scientifically, upon a large and comprehensive scale.

"I do not know how you may be occupied at present; or how incompatible this request of mine may be to the business you have in hand; all I can say is, that however desirous I may be of availing myself of your sentiments on the points I have enumerated, and such others as are involved in the treaty; and the resolution of the Senate; (both of which I send you, lest they should not be at hand;) it is not my intention to interrupt you in that business, or if you are disinclined to go into the investigation I have requested, to press the matter upon you; for of this you may be assured, that with the most unfeigned regard, and with every good wish for your health and prosperity, I am your affectionate friend.

"P. S.—Admitting that his B. Majesty will consent to the suspension of the twelfth article of the Treaty, is it necessary, that the treaty should again go to the Senate? or is the President authorized by the Resolution of that body to ratify it without?"

Immediately after the receipt of this letter, intelligence reached New York that Great Britain had renewed the order for the seizure of provisions going to French ports. Among the calumnies of the day, it was charged by the opposition, that she had withheld her order to capture the American vessels, until she had Jay's permission to renew them.

Hamilton wrote to the President instantly, (on the sixth of July,) apprising him of this intelligence, and on the ninth inclosed him a reply to his letter of the third of that month, containing at much length his "Remarks on the treaty."

This treaty sought to accomplish two primary objects —the adjustment of all subjects of controversy arising out of the inexecution of the treaty of peace, and particularly the restitution of the Western Posts, and reparation for the spoliations of American property committed during the then existing war.

The first ten were permanent articles. As to these, Hamilton remarked, that "they close the various matters of controversy with Great Britain and upon the whole they close them reasonably. Compensation for the negroes (which had been refused) if not a point of doubtful right, is certainly a point of no great moment. It involves no principle of future operation. It terminates in itself, and the actual pecuniary value of the object is in a national sense inconsiderable and insignificant.

The remaining articles are temporary,—incidental to the others, and chiefly relate to the commerce and navigation of the two Countries.

The twelfth or *suspended article* regulated the trade with the West Indies:—

"This article," Hamilton remarked, "is in my judgment an exceptionable one. The principle of a restriction upon any thing which is not the produce of the treaty itself is unprecedented and wrong. Had it been confined to articles from the British Islands, it could have been justified, but extending to articles from other countries, and, according to the letter, to one which is the growth of our own country, it appeared to me, from the beginning, inadmissible. It might also have proved a source of dissatisfaction to France, by intercepting, in the midst of the War, a regular and just source of supply through us; and though I would not omit any measure which I thought for the national interest, because any foreign power might capriciously dislike it, yet I would do no act giving a reasonable cause of dissatisfaction.

"And for these reasons I am glad, though at the risk of the treaty, that the Senate has excepted it.

"I do justice to Mr. Jay's reasoning on this subject. He thought rightly, that the re-exportation of the articles in ordinary times was a

matter of little consequence to this country; and that it was of importance by a formal treaty to establish the precedent of a breach in the navigation system of Great Britain, which might be successively widened. These reasons were not light ones, but they are in my judgment outweighed by other considerations."

Most of the other articles he approved. After a particular review of each, he remarked, the following general views may be added:

"The truly important side of this treaty is, that it closes, and upon the whole, as reasonably as could have been expected, the controverted points between the two countries; and thereby gives the prospect of repossessing our Western Posts, an object of primary consequence in our affairs—of escaping finally from being implicated in the dreadful war which is ruining Europe; and preserving ourselves in a state of peace for a considerable time to come.

"Well considered, the greatest interest of this Country in its external relations is that of PEACE. The more or less of commercial advantages which we may acquire by particular treaties are of far less moment. With peace, the force of circumstances will enable us to make our way sufficiently fast in trade. War at this time would give a serious wound to our growth and prosperity. Can we escape it for ten or twelve years more, we may then meet it without much inquietude, and may advance and support with energy and effect any just pretensions to greater commercial advantages than we enjoy.

"It follows, that the objects contained in the permanent articles are of real and great value to us. The price they will cost us in the article of compensation for the debts is not likely to bear any proportion to the expenses of a single campaign to enforce our rights. The calculation is therefore a simple and a plain one. The terms are no way inconsistent with national honor.

"As to the commercial arrangements in the temporary articles, they can be of no great importance, either way; if it were only for the circumstance that it is in the power of either party to terminate them within two years after the war. So short a duration renders them unimportant, however considerable as to intrinsic merit. Intrinsically considered they have no very positive character of advantage or disadvantage. They will in all probability leave the trade between the two countries where it at present is.

"There is however one material circumstance in which this will not happen. The fifteenth article declares that there shall be no prohibition of the importation of or exportation to and from the respective territories of the contracting parties, which shall not equally extend to all other nations. This permits us to carry to the British dominions any article the growth or manufacture of another country which may be carried from such country to those dominions. This is a serious innovation on the British navigation act, and an important privilege to us. It is to be remarked, however, that it does not secure to us the continuance of those discriminations in our favor, compared with foreign powers which have in practice existed; but as these discriminations have always been revocable at the pleasure of the other party, and are evidently founded on the interest that party has to procure the supply from us rather than from other quarters, the inference is that the security for the continuance of the advantage is as great as before."

The obstacle to its becoming matter of stipulation was, that it was deemed to be inconsistent with treaties with other powers.

"Comparing this treaty with the commercial treaties heretofore entered into by the United States the real advantage is on the side of the former. As to the European dominions of the different powers, the footing will be essentially equal. As to their colonies, Great Britain gives us greater advantages by this treaty than any other nation having colonies, by *its treaty*. There is nothing in any of our other treaties equivalent to the advantages to us in the British East Indies. To this may be added, the advantages contained in the Canada Article.

"Against this may be set the stipulation that free ships shall not make free goods; and the *extended enumeration of contraband;* but besides that these are provisions relative to a state of war, our experience in the present war, in reference to France, has shown us that the advantages expected are not to be counted upon.

"Since then, the permanent articles are of material consequence; the temporary ones of small importance; since our faith is preserved with other powers; since there are no improper concessions on our part, but rather more is gained than given; it follows, that it is the interest of the United States that the treaty should go into effect.

"But will it give no umbrage to France? It cannot do it, unless

France is unreasonable; because our engagements with her remain unimpaired; and because she will still be upon as good a footing as Great Britain. We are in a deplorable situation if we cannot secure our peace, and promote our own interest by means which not only do not derogate from our faith, but which leave the same advantages to France as to other powers with whom we form treaties. Equality is all that can be claimed from us. It is improbable, that France will take umbrage; because there is no cause given for it; because there is no disposition on her part to break with us; and because her situation forbids a breach.

"But will it not hinder us from making a more beneficial treaty with France? This can only turn upon the question of equivalents to be given by us. As to this, though our treaty with England would prevent, in many particulars, our giving preferences to France; yet there are still important points, from the natural relations of commerce, which are open to arrangements beneficial to France,—and which might serve as equivalents. There is not leisure to enter into the detail or this might be shown. It may however be mentioned, by way of example, that we may remove wholly the duties on French wines, which would be one important item.

"But it would be always very unwise to refrain from doing with one power a thing which it was our interest to do; because there was a *possibility* that some other power might be willing to make a better bargain with us. What evidence has France given that she is disposed to make such better bargain? All that she has hitherto proffered under her present government, has contemplated, as the consideration, *our becoming parties to the War*. As she will and ought to calculate her own interest, we ought to dismiss the expectation of peculiar favors. *Favors* rendered in trade are very absurd, and generally imaginary things. Let it be remembered, too, that the short necessary duration of our treaty leaves us a wide field, future and not remote.

"But, upon the whole, we shall be least likely to be deceived, by taking this as the basis of our commercial system—that *we are not to make particular sacrifices, nor expect particular favors from any power.*"

CHAPTER CXIX.

While Hamilton was thus presenting to the President an impartial view of this instrument, a publication appeared, entitled "A calm Observer," subsequently attributed to Edmund Randolph, advising the President, "to suspend his signature to it, till it was so modified as to appear before us on terms of reciprocity." *

On the tenth of July Washington wrote to Hamilton acknowledging his observations upon the treaty:

"For both letters," he remarked, "I offer you my sincere thanks, as they have afforded me great satisfaction. Although it was my wish that your observations on each article should be diffusive, yet I am really ashamed when I behold the trouble it has given you to explore, and to explain so fully as you have done, the whole of them."

These remarks are followed by several comments on the second and third articles, indicating what he deemed objectionable in them. He had previously informed him, that the Government had no positive knowledge of the renewal of the order for seizing provisions.

On the thirteenth of July, Hamilton again addressed the President. This letter is not preserved. From the reply, it appears, that he was of the opinion, as the facts

* July 7, 1795.

were before him, that it was the duty of the President to submit the new article of the treaty to the Senate.

On the fourteenth, Washington wrote to him:

"I received your favor of yesterday this moment, when I am on the eve of a journey to Virginia. The opinion which you have given as to its being necessary to submit the *new* article to the Senate, being in direct opposition to that of the Secretaries, and the Attorney General, has occasioned some embarrassment with me. For I always understood it to be the sense of the majority of the Senate, that they were not to pass their judgment upon the new article further than they have done. But as I shall be absent, and Mr. Randolph has before him the bringing of this business to a close, I wish you to write to him your ideas, if upon mature deliberation you shall think differently from the gentlemen around me; or you find the sense of the Senate to be different from what I have been led to expect. I have told Mr. Randolph that your sentiments do not agree with those, which I received from the officers of government, and have desired him to revise them. I have also told him that I have requested the favor of you to write to him on this subject. Very affectionately, I always am Yours.

"P. S.—Notwithstanding one great object of my visit to Mount Vernon is relaxation; yet to hear from you the sentiments entertained of the treaty—and in short, on any other interesting subject, with which the public mind is occupied would be a considerable gratification. The state of our pecuniary matters in Holland, at this time, is a bar to Mr. Adams's leaving that country; but the next best thing will be adopted. Yours as before. G. W."

Differing opinions were given to the President as to the course to be pursued. Randolph advised, that the ratification be suspended until the existence of the provision order was ascertained. In case such order had been issued, that the ratification be withheld, until the order was revoked. The other members of the Cabinet recommended the ratification of the treaty in the mode advised by the Senate, to be accompanied with a note, to the effect, that nothing could justify the supposed order.

Hamilton gave the opinion, that the treaty be ratified, as advised by the Senate; and that instructions be given to the Minister at London not to exchange the ratification until the provision order was rescinded; and, if the order had been issued, though revoked, that a remonstrance against the principle on which the order was supposed to be founded, be at the same time delivered. The President directed the Secretary of State to prepare instructions and a remonstrance, in conformity with Hamilton's opinion.

The next morning, he left Philadelphia for Mount Vernon. On the very day on which the President's intention to ratify the treaty was communicated to the British Envoy, Adet was informed by Randolph, that he was authorized to meet his overtures, and three days after he was invited to state "the parts of the subsisting treaty he wished should be abolished, corrected or added to."

The motive to the overtures of France had now ceased. They had not prevented the President's decision on the treaty with her enemy. Adet replied, declaring his intention to transmit to his government the answer to his objections to the treaty, with the treaty and those objections; and promised "in a few days to see Randolph, and commence the business of digesting a new treaty, and a new consular convention." The merely political objects of his Instructions had failed, as had those of Genet. By neither of these Ministers was a commercial negotiation ever commenced!

Meanwhile the excitement was extending over the country. An incident in the harbor of Boston marks the feeling there. A vessel which arrived with a cargo in lawful commerce, was plundered in the night by the rabble; moved into the bay; her masts cut down; the hull fired, and left to float along, imperiling the shipping. The

ground of this outrage was an intimation of the French Consul, that she was a British privateer. Soon after, at a town-meeting, the treaty was unanimously condemned, many orderly citizens being absent; and a committee was appointed to address a remonstrance to the President.

During his absence from the seat of government the Resolutions of this important commercial town were received by Washington. Viewing the simultaneous movements throughout the country as the results of a preconcerted plan to produce a general explosion, the President carefully weighed the terms of a reply, which he intended should be made to every similar proceeding.

With entire truth and with great dignity, he stated the motives of his conduct. Treacherously apprised of the position in which the President had left this subject, the Democratic party increased their exertions to influence his course. At an assemblage of the people of Charlestown in Massachusetts, the broad question was proposed to approve or disapprove the treaty. A motion to adjourn for the purpose of considering it was rejected; and a proposition to have it read was opposed as "unnecessary." When it had been read, Dexter addressed the audience observing, that the treaty was by no means as good as he had hoped, nor as unfavorable, as had been represented. He stated definitely the alternatives presented to the people of the United States. Having stigmatised "the base arts and falsehoods which had been practised to excite their prejudices," he commented briefly on the more important of its provisions, and challenged any one of its opposers to enter upon a discussion of its merits. No person accepted the challenge, but a resolution disapproving the treaty as modified by the Senate, passed; and an address to the President was ordered. Similar proceedings were had in very many of the towns of New England.

Virginia, having waited the effect of these appeals to the passions of the people in other States, now came forward. Her hostility to the administration of Washington required no new incentive; but, had it flagged for a moment, a powerful one was furnished by the article which provided indemnification for debts due to British subjects.

It has been seen, that Randolph, averse to any provision for the collection of these debts, had suggested, that, "the United States should be considered as the assignee of the judgments entered up against the debtors, that they may reimburse themselves, *as far as they can.*

At Petersburgh, where Giles was understood to govern, Jay was represented as basely apostatising from Republican principles; stooping to offer the incense of flattery to "a tyrant, the scourge of his country, the foe of mankind." The provision for these debts was pronounced unconstitutional, "increasing the ignominious tribute we now pay to British speculators." The commission to liquidate them was called, "a Judiciary Colossus, which was to stand with one foot on America and with the other on Britain, and drag the reluctant Governments of those Countries to the altar of Justice." The treaty was a series of "usurpations" by the President and Senate. If ratified, "the Representatives will be degraded to a House of Commons—summoned to answer an address, to regulate a few subjects of internal policy, and to vote money."

At Richmond, a Meeting, over which Chancellor Wythe presided, pronounced the treaty, "insulting to the dignity, injurious to the interest, dangerous to the security and repugnant to the Constitution of the United States."

Watching anxiously the progress of public opinion,

Hamilton saw the erroneous direction which had been given to it, and with a view to induce a pause, wrote a brief appeal, over the signature of "HORATIUS."

Having stated, that if a satisfactory article as to the West India trade should be added, that the treaty would continue twelve years. If not, that the commercial part would expire two years after the present war, with the exception of the permanent provision as to the trade between the adjacent British territories, he passed some approving comments on the treaty. Next, he referred to the early advice of France to waive an express acknowledgment of our independence by Great Britain, the resolution to sacrifice the navigation of the Mississippi; the conduct as to the fisheries; the humiliating instructions submitting the conduct of our ministers to the direction of the French cabinet, and the attempted censure upon them, as evidences of the subserviency of the Democratic leaders to France and of their animosity to Great Britain.

"Reason, Philosophy, Policy," he observed, "disavow the spurious and odious doctrine that we ought to cherish and cultivate enmity with any nation whatever. In reference to a nation with whom we have such extensive relations of Commerce as with Great Britain, to a power so capable from her maritime strength of annoying us, it must be the offspring of treachery or extreme folly. If you consult your true interest, your motto cannot fail to be 'PEACE and TRADE with ALL NATIONS. Beyond our present engagements, POLITICAL CONNECTION with NONE.' You ought to spurn from you, as the box of Pandora, the fatal heresy of close alliance, or, in the language of GENET, 'a true *Family compact*' with France. This would at once make you a mere satellite of France, and entangle you in all the contests, broils and wars of Europe.

"'Tis evident that the controversies of Europe must often grow out of causes and interests foreign to this Country. Why then should we, by a close political connection with any power of Europe, expose our peace and interest, as a matter of course, to all the shocks with which their mad rivalships and wicked ambition so frequently convulse the earth? 'Twere insanity to embrace such a system. The avowed and secret partisans of it merit our contempt for their folly, or our execration for their depravity."

During the President's absence in Virginia, Hamilton wrote two letters to him of the twentieth and twenty-first of July, which, in conformity with his previous request, were enclosed in an explanatory letter to Randolph, for his perusal, to be forwarded to Mount Vernon. Randolph acknowledged their receipt, but withheld a reply, until an expected personal interview.* Hamilton's letters were acknowledged by Washington on the twenty-ninth of July, observing, "As the measures of government respecting the treaty were taken before I left Philadelphia, something more imperious than has yet happened must turn up to occasion a change." He inquired, as to the real temper of the people after the paroxysm is over, "for at present the cry against it is like that against a mad dog." Then, having adverted to the more serious objections to it, he said:

"The string most played on, because it strikes with most force the popular ear, is the violation, as they term it, of our engagement with France, or, in other words, the predilection shown by that instrument to Great Britain at the expense of the French nation." The consequences of this he deprecated, for the reason, that, "it is the interest of the French to keep us and Great Britain at variance, and they will in my opinion accordingly do it." This, he thought, ought to be placed

* Hamilton's Works, vi. 22.

"in its true light." He then mentioned the numbers of "Camillus," some of which had appeared, and urged their extensive dissemination, lest "a few only will derive light from the knowledge or labor of the author, while the opposition pieces will spread their poison in all directions; and Congress, more than probable, will assemble with the unfavorable impressions of their constituents."

"The difference of conduct between the friends and foes of order and good government," he said, "is in nothing more striking, than that the latter are always working like bees; whilst the former, depending oftentimes *too much* and *too long* upon the sense and good dispositions of the people to work conviction, neglect the means of effecting it."

The same day, the President wrote to Randolph, announcing a sudden resolution to return to the Seat of Government for the purpose of "a solemn conjunct revision of the Memorial, the Ratification and the Instructions." This letter speaks of the "very *serious light*" in which the opposition was viewed by him—of his determination to perform his duty, and of "the obloquy which disappointment and malice were collecting to heap upon *him*,"—of the injurious advantage which France might make of this state of feeling; declaring that, since he had been in the administration, he had never seen a crisis, which, in his judgment, had been pregnant with more interesting events, nor one from which more was to be apprehended." From what had passed, he feared that "the opposition was in a manner universal, and would make the ratification a very serious business indeed."

From a letter to the same person, two days later, it appears that the President had resolved to defer his return, but was ready to repair to Philadelphia on the shortest notice; and that his impression of the extent and formidable character of the opposition had strengthened. Adverting to the embarrassment of his position, he observed:

"In time, when passion shall have yielded to sober reason, the current may possibly turn; but, in the meanwhile, this Government in relation to France and England may be compared to a Ship between the rocks of Scylla and Charybdis. If the treaty is ratified, the *partizans* of *the French*, or rather of *War* and *confusion*, will excite them to hostile measures; or at least to unfriendly sentiments. If it is not, there is no foreseeing all the consequences which may follow, as it respects Great Britain." He again however avows, that "he is not and will not be disposed to quit the ground he had taken, unless circumstances more imperious than had yet come to his knowledge should compel it, for there is," he adds, "but one *straight* course in these things, and that is to seek truth and pursue it steadily."

Eager to take all the chances of procrastination, and willing to believe that the President was vacillating, Randolph's conduct to his colleagues was "strange and mysterious." Their distrusts were awakened, and were communicated to Hamilton.

Any longer delay, after the British Minister had been apprised of the President's determination, was felt by him to be neither consistent with the dignity of the Government, nor reconcilable with that steadfastness of purpose, which he was solicitous should be manifested as the characteristic of the administration.

That this delay would give color to the idea, that a foreign influence had been exerted with any of its departments, was so fatal a suspicion, one so derogatory to the honor of this nation, that Hamilton could not endure its existence for a moment.

On the twenty-eighth of July, he wrote to Wolcott:

"We have some cause to suspect, though not enough to believe, that our Jacobins meditate serious mischief to certain individuals. It happens that the militia of this city, from the complexion of its officers in general, cannot be depended on, and it will be difficult for some time to organize a competent armed substitute. In this situation our eyes turn, as a resource in a sudden emergency, upon the military now in

the forts, but these, we are told, are under marching orders. Pray converse confidentially with the Secretary at War, and engage him to suspend the march. Matters in eight or ten days will explain themselves.

"How are things truly in Philadelphia? I have good reason to believe, that the President, before he left Philadelphia, had concluded to ratify the treaty, according to the advice of the Senate. Has any thing finally been done, or are we where we were? Yours."

On the same day, Wolcott wrote to him:

"Every thing is conducted in a mysterious and strange manner by a certain character here; and to my astonishment, I am recently told, that John Rutledge has had a tender of the office of Chief Justice. By the favor of Heaven the Commission is not issued; and now, I presume, it will not be—but how near ruin and disgrace has the country been?

"Cannot you come and attend the Supreme Court for a few days, the next week? If you cannot, pray drop me a line.

"Will you reply briefly to a few questions I lately stated. I care not how brief. Your ideas upon a system projected essentially by you, will enable me to proceed with less hesitation."

Impelled by the highest considerations, Hamilton, on the same day, wrote to the members of the cabinet, indicating the position in which the President stood, and earnestly urging an early decision of this momentous question. His advice, that an united effort should be made to induce a definitive action was taken; and the President was requested by the Secretaries of the Treasury and War Departments and by the Attorney General, to return immediately to Philadelphia.

Hamilton was informed that this had been done, and was once more urgently requested to repair to the seat of government. On the thirtieth of July, Wolcott again wrote to him:

"I will see the Secretary of War this morning, and you may rely upon it the movement will be suspended. * * * I dare not *write*, and

hardly dare *think* of what I *know* and *believe* respecting a certain character, whose situation gives him a decided influence. There has as yet nothing more passed between the Government and Mr. Hammond, than a verbal conference, in which the President's opinion respecting the merits of the treaty has been declared to be like that of the Senate. No written memorial has passed, nor have any *measures*, as relative to the ratification, been *adopted*. The ratification has moreover been connected with the repeal of some unknown order respecting vessels bound with provisions to France; though this was a condition improperly prescribed in my opinion, yet the circumstance might have been mentioned in a manner which would not be offensive, and have assumed the form of a prudent precaution on the part of the President.

"But what must the British Government think of the United States, when they find the treaty clogged with one condition by the Senate, with another by the President; no answer given in a precise form after forty days; no minister in that country to take up negotiations proposed by ourselves; the country rising into a flame; their minister's house insulted by a mob;—their flag dragged through the streets, as in Charleston before the doors of the consul. A driveller and fool appointed Chief Justice, &c., &c. Can they believe that we desire peace?

"I shall take immediate measures with two of my colleagues, this very day; they are firm and honest men. We will, if possible, to use a French phrase, *save our country*. You must not think, *we* have been to blame for the delay; we have been *constantly amused by Randolph*, who has said, that the President was determined to ratify. The precise state of the business has never been communicated till within a few days; the affairs of his department are solely conducted by himself. Feel no concern, however, for I see a clue which, I know, will conduct us through every labyrinth except that of war. On that point we must take our chance."

Four days after the date of this letter, on the third of August, the President wrote to Randolph: "All these things," (the meetings at Richmond and elsewhere,) "do not shake my determination with respect to the proposed ratification; nor will, unless something more imperious and unknown to me should in the judgment of yourself

and the gentlemen with you, make it necessary and advisable for me to pause." The next day he again wrote, that at Richmond, "they had outdone all that had gone before them," but were "not numerous."

The supposed renewal of the provision order, was regarded by Hamilton in a very serious light. On the tenth of August, he wrote to Wolcott, repeating the advice, that with the ratification of the treaty, instructions should be sent to the American Agent, to inform the British ministry, if that order was in force, "that he has the treaty ratified, but that he is instructed not to exchange the ratification till that order is rescinded, since the United States cannot even give an implied sanction to the principle:" and that, "at the same time," a *remonstrance* well considered and well digested, *even to a word*, against the principle of the order, should be delivered.

"My reasons for this opinion," he observed, "summarily are these: That in fact, we are too much interested in the exemption of provisions from seizure to give even an implied sanction to the contrary pretension. That the exchange of ratifications pending such an order would give color to an abusive construction of the eighteenth article of the treaty, as though it admitted of the *seizure* of provisions. That this would give *cause* of umbrage to France; because it would be more than merely to refrain from resisting by force an innovation injurious to her; but it would be to give a sanction to it in the midst of a war.

"It would be thus construed in our country, and would destroy confidence in the Government; and it would scarcely be reputable to a nation to conclude a treaty with a power to heal past controversies at the very *moment* of a new and existing violation of its rights."

Even, if such an order had existed and had been rescinded, he thought, "the remonstrance ought still to be presented after the exchange of ratifications as a protest against the principle." *

* This order was rescinded on the 10th of Sept., 1795.

Previously, on the thirty-first of July, the Secretary of the Treasury wrote to Washington: "On the subject of the treaty I confess I feel extreme solicitude, and for a *special reason*, which can be communicated to you only in person. I entreat, therefore, you will return with all convenient speed to the seat of government. In the meantime, for the reason above referred to, I pray you to decide on no important political measure, in whatever form it may be presented to you. * * This letter is for your own eye only."

The President arrived at Philadelphia on the eleventh of August, when he expected to have found the papers he had ordered to be prepared relative to the treaty completed. This had not been done, Randolph pleading as his excuse, that Colonel Pickering, who, on the recent resignation of Knox, had been appointed Secretary at War, was in favor of an immediate ratification.

The next day, a Cabinet Council was held. The Secretaries, with one exception, urged an immediate ratification. Randolph opposed it. He still was of the opinion that the provision order must first be rescinded; and now went so far as to urge, that the ratification ought not to be given, until the war between France and Great Britain had terminated.*

The solution of his conduct was now made. A secret despatch from Fauchet to the French government, intercepted by a British frigate,† was transmitted to Hammond, and by him, was placed in the hands of Wolcott, on the twenty-eighth of July.

* Marshall, ii. 368, 2d ed.—See his explanation in Hamilton's Works, vi. p. 31.

† Gibbs's "Administration of Washington and Adams," i. 240. The despatches were thrown overboard from a French packet, the "Jean Bart," on the approach of an English vessel, but were recovered by an Englishman, who plunged into the water after them.

This dispatch contained conclusive evidence, that Randolph had violated his trust and had made overtures to the French Envoy to obtain *Money!*

This document was laid before the President. Tracing all the insidious representations of Randolph to their true source, and looking back upon the long series of deceptions which had been practised, a flood of light now broke upon Washington.

He saw that he had been betrayed; that it was intended that this country should become the victim of treachery; and fearing to expose its welfare to any contingencies, he decided upon an immediate ratification of the treaty. This important decision was forthwith* announced to Hamilton by the Secretary of the Treasury.

The course to be pursued with regard to Randolph was submitted by the President to his Cabinet; and it was resolved to grant him an interview in order to receive such explanations as he might make.

Having, on the eighteenth of August, signed the ratification of the treaty, the next day, the President, in the presence of Pickering and Wolcott, handed to Randolph the intercepted despatch. After much hesitation, and an embarrassed attempt at explanation, Randolph having "asserted that he had never received or proposed to receive money for his own use or that of any other person, and had never made any improper communications of the measures of the Government," retired for a short time. He then returned, and stated his intention to resign immediately, which he promised to communicate in writing. His letter of resignation was sent in on the same day. "Your confidence in me, Sir," he wrote, "has been unlimited, and I can truly affirm, unabused. My sensations,

* Aug. 15, 1795.

then, cannot be concealed, when I find that confidence so immediately withdrawn, without a word or distant hint being dropped to me. This, Sir, as I mentioned in your room, is a situation in which I cannot hold my present office, and therefore I hereby resign it."

The President, who had maintained, throughout the interview, a calm and dignified bearing, accepted it, assuring him, in reply to such an intimation, that while he was "in pursuit of means to remove the strong suspicions arising from this document, no disclosure of its contents will be made." *

In the whole life of Washington, no event had probably occurred which gave him more poignant suffering. Randolph had been honored, not only with his confidence, but with his affection. "If," Washington wrote at this time, "If one *could believe* that the meetings which have taken place spoke the general sense of the people on the measure they are condemning, it might, with truth, be pronounced, that it is as difficult to bear prosperity as adversity, and that no situation or condition in life can make them happy."

* In reference to this matter, Randall ii. 265, note, remarks: "Wolcott's account is lively and interesting. His skill and point in describing, equalled his keen, cool, *feline craft* in action." Washington remarks, xi. 88: "The disclosure to me, by an officer of government, of M. Fauchet's intercepted letter, after the contents were communicated to him, was an *act of such evident propriety, as no man of candor, entertaining a proper sense of duty, can possibly condemn.*" Washington to Randolph, Oct. 25, 1795.

CHAPTER CXX.

On leaving Philadelphia, Hamilton, it has been stated, repaired to the residence of General Schuyler at Albany.

When he returned to New York, early in the summer, he immediately entered upon his professional avocations. An official letter of the District Attorney mentions the multiplicity of his engagements, and shows how soon he resumed his foremost place at the bar.

The first cause in which he appeared was of great importance. It arose upon a capture by a French privateer, and involved questions he had discussed in the cabinet. It is related, long as he had lived in the public eye, that when he arose to speak, his voice faltered and he was so much overcome as to sit down in silence until he had collected himself, when, after a graceful exordium, which won the favor of the audience, he made a masterly effort.

The facility with which he entered upon the unattractive labors of his profession and familiarized his thoughts to its long forsaken pursuits shows the discipline of his mind.

A letter of this period, of great length, enclosing the papers he had prepared for levying a fine, with minute instructions, is among the instances.

His manner of living was conformed to his very lim-

ited means and modest habits. The income of his profession was more than equal to his wants; and, had not his liberalities been frequent, he might have laid the basis of an ample fortune, but of this he had not begun to think.

The conspicuous station he had lately filled placed him in immediate intercourse with many of those who took refuge in this country from the convulsions of Europe. These, with the fugitives from the massacres of St. Domingo, found his abode an agreeable resort. His social circle was thus enlivened by his ministrations of hospitality, over which reigned a gracious simplicity.

Talleyrand, a frequent visitor, avoided by the suspicious as a spy, was welcomed by Hamilton as an exile. No recollections of their intercourse have been preserved, but the effect produced on the mind of this distinguished guest may be inferred from a few well-authenticated observations.

When first he saw his bust, he was overheard to exclaim—"* ** *** It is a Cicero." Having passed his office at a late hour and also early the following morning, where he saw him engaged in study, Talleyrand remaked to a friend, "I have beheld one of the wonders of the world. I have seen a man who has made the fortune of a nation laboring all night to support his family."

A comparison of Hamilton's opinions with the policy of the administration, after he had retired from it, drew forth this comment, "Alexander Hamilton directs the councils of America." So strong and lasting was the impression then made upon him, that, after he had studied the profound depths of the genius of NAPOLEON and soared as a statesman above all his eminent countrymen, still remembering his intercourse at New York, he observed, that, "he had known nearly all the marked men of his

time, but that he had never known one, on the whole, equal to him." *

Time did not efface this impression. On leaving the United States he took Hamilton's portrait from his mantle-piece, begging him to make his peace with Mrs. Hamilton, and it was beheld in his apartment until his decease, when it was returned, and on the reverse are these words, in French: "You were appreciated. He loved you and you loved him." In all his conversations with distinguished Americans, he is represented as presenting the name of Hamilton, in terms of respect and admiration. Associating him with Bonaparte and with Fox, he said, "I have seen the three great men of the age." In another instance he stated, that "he considered him the ablest man whose acquaintance he had made in this country" (the United States) "and on one occasion he said, that he might without injustice add, or *in his own country either*." †

* "One day in January eighteen hundred and nineteen," a learned and elegant writer and traveller, George Ticknor, relates, "talking with Prince Talleyrand in Paris about his visit to America, he expressed the highest admiration of Hamilton, saying, among other things, that he had known nearly all the marked men of his time, *but that he had never known one, on the whole, equal to him.* I was much surprised and gratified with the remark; but still feeling that, as an American, I was in some sort a party concerned by patriotism in the compliment, I answered with a little reserve, that the great military commanders and the great statesmen of Europe had dealt with larger masses and wider interests than he had. 'Mais Monsieur,' the Prince instantly replied, 'Hamilton avoit *diviné* l'Europe.' ‡ A striking and epigrammatic phrase," the traveller adds, "which undoubtedly in his own mind was not only a full answer to my remark, but the highest praise that could be bestowed on military and statesmanlike talent."

† Letter from President Van Buren to the author, Oct. 29, 1851, Lindenwald—after mentioning a visit to Jefferson at Monticello in 1824, he proceeds—"Observing, that whilst speaking of the conduct of his own party, he invariably said, the Republicans did so and so, and that he on the other hand

‡ History of Constitution of U. S., i. 411, note.

Various letters found amongst Hamilton's papers, some of them written previous to his retirement from the Cabinet, show the anxiety to procure his professional services.

His replies in several instances, declining the overtures made to him, are interesting evidences of his characteristic delicacy.

In one of these, he was strongly urged to become a joint proprietor in an extensive purchase of lands in the North Western territory. Several millions of acres were to be bought with funds loaned by English and Dutch capitalists; and all that he was asked to contribute in payment for his participation in this speculation, was his professional advice. It was added, that if he chose to

as uniformly described the course of the Federal party as that of your father, by saying Hamilton took this or that ground, I took the liberty of calling his attention to this peculiarity. He smiled and remarked, that he was aware that he had fallen into that habit, and attributed it to the great extent to which he had regarded your father, as the master spirit of his party. Whilst dissenting in the strongest terms from his political views, he expressed himself very decidedly in favor of the sincerity of his motives and of his frankness in regard to party matters and public affairs in general. These were substantially repeated in a letter which I received from him a few weeks after my return, in the following terms—'For Hamilton frankly avowed that he considered the British Constitution, with all the corruptions of its administration, as the most perfect model of government which had ever been devised by the wit of man, professing however, at the same time, that the spirit of this country was so fundamentally republican, that it would be visionary to think of introducing monarchy here, and that, therefore, it was the duty of its administrators to conduct it on the principles their constituents had elected.'

"Prince Talleyrand, on several occasions during my short residence in England, where he represented France, not only spoke to me of your father's memory with respect and admiration, but showed very clearly that their intercourse had produced a more affectionate and sincere regard for him than those who judged that Statesman (by report only) would believe him capable of entertaining. He considered him the ablest man whose acquaintance he had made in this country; and on one occasion (referring to the same period) he said, that he might without injustice add, *or in his own country either.*"

This letter was written with permission for its publication.

withhold his name from the public, his share could be held in a confidential trust. He declined the proposition; which would have insured to him a princely fortune, in a manner to prevent its being renewed. "I sincerely hope," said his friend in reply, "that you may by some fortunate and unexpected event acquire the means of perfect independence, in spite of all your efforts to be poor.. I have often said that your friends would be obliged to bury you at their own expense." *

Nor was this the only path that opened to him. Clinton, yielding to the public sentiment, had declined a nomination as Governor of New York. A feeble rally was made by the Democratic party under Yates, but Jay being elected to that place, by a large majority of votes, resigned his seat as Chief Justice of the Supreme Court of the United States.

The immense importance of confiding that high trust to one who was not to be "scared by popular clamor or warped by feeble-minded prejudices," was dwelt upon in a letter to Hamilton by the Attorney General of the United States. He was urged, though it was feared, as that Department, "related neither to war, finance nor negotiation, it had no charms for him," to permit himself to be appointed. He declined this elevated station.

Frequent as were Hamilton's forensic efforts and notwithstanding his engagements as advising counsel, his interest in public affairs was predominant. He felt that he belonged to the nation.

The opposition to the treaty was not confined to public resolutions or addresses. At the South, inflammatory

* "What little property he had was sold before he resigned his office, and when he resigned it, he was worth little, if any thing more, than his household furniture."—Letter of Col. Troup. Eight hundred dollars in the three per cents., which he sold to pay his debts, was the amount of his fortune.

speeches were made by persons of distinction which were ostentatiously republished, and in the North, though a free discussion at the meetings of the people was prevented, yet the admissions by the friends of peace, that the treaty was defective in parts, encouraged men ambitious of wider distinction to review and to denounce it.

The most numerous and labored publications appeared in New York. Hamilton was still the centre of controversy. The number, the violence, the bitterness of the attacks upon him give abundant evidence of his position. Though retired from the Cabinet, still his spirit was believed to animate its counsels; and the cry which had been raised against him as the adviser of the Proclamation of Neutrality was renewed. "Delenda est Carthago."

The two first of these reviews published in New York were signed "Decius," and "Cato." They were not deficient in art. The bearings of each article were examined in succession. As to those which related to the inexecution of the Definitive Treaty, the positions taken by Jefferson in his correspondence with Hammond were chiefly relied upon. The effect of the commercial articles was industriously misrepresented. That securing a direct trade with India was pronounced of no value! These labors were followed by the strictures of "Cato." The temper of this publication may be inferred from the fact, that in the outset it declared, that, the proper objects of the mission were "to demand a delivery of the Posts—reparation for the loss of trade—*compensation* for the expense of the *Indian* War—a public *punishment* of the British subjects who had personally appeared in arms against us, with the removal from office of Lord Dorchester who had encouraged the Indians to violate the treaty of peace. The delay of the period for the restitu-

tion of the Posts was condemned as an unwise confidence in a faithless nation; and it was declared *better to have waited* the issue of the war France was then waging, and to rely, thus proposing to play *millions* against *farthings*, upon her enforcing the possession of the Territory her treaty had guaranteed. The omission to guard against the impressment of American Seamen was strongly censured, and one *interest*, it was asserted, *seemed only to be attended to*—"*the interest of the British Nation.*"

A perverted interpretation was given of the twelfth or suspended article, to show, notwithstanding the express provision that the duties should be the same in British and American vessels, that in the West India trade, the latter would in fact pay higher duties. After contending that the treaty surrendered both the West and East Indian trade, this writer insisted, that the fourteenth and fifteenth articles gave preferences to the British tonnage which would transfer the whole carrying trade to Great Britain, and that its real object was "to encourage the British to pour in their myrmidons to support and strengthen the hands of Government against Native Americans, and the friends and well wishers to foreign and domestic republics, whom the courtiers have dared to calumniate with the names of 'Anti-Federal and Jacobin.'"

The extension given by the treaty to the law of contraband was properly condemned; but, in contradiction to the strongest current of authority, the seventeenth article, recognizing the rights of a nation to take enemy's goods out of neutral vessels was treated as authorizing a violation of the law of Nations. The stipulation not to permit any power at war with Great Britain to sell her prizes in the American ports was represented as the withdrawal of a right, in the midst of a war, sanctioned by international law; as an aggression upon France, and

as evidence of "a predilection for her most inveterate enemy." As to the article prohibiting sequestration, it was remarked, "This article is dictated by the same principle that pervades too many others in the treaty. Our trade and navigation are surrendered to the British. Colonies of their merchants and factors are to be established on the North and on the West, on the sea-coast and on the Mississippi. Our banks are to be placed in their hands; and that the thraldom of the Country may be complete, every encouragement is to be held out to their brethren in England to extend their credit and fetter the country by the excess of their debt. At the same time, even our last farthing is to be drawn away whenever it may be found necessary to bring us back to our former state of dependence upon their Sovereign. Would it not have been wiser in America to have submitted to the Stamp Act with the advantages we enjoyed under the British Government, than by yielding to this treaty to render ourselves equally dependent without enjoying the rights of subjects?"

The succeeding number deviated from the order of the treaty into an argument that it was unconstitutional, and not binding on the House of Representatives. The appointment of Commissioners by the sixth and seventh articles was also pronounced in derogation of the Judiciary power vested in the Supreme Court. Having commented on the ninth article which excluded forfeiture because of alienage, as an infringement of "the constitutional independence of the respective States," these Essays closed with the Sixteenth number.

They have been thus particularly adverted to as showing the line of argument and tone of opposition assumed by an individual who, as Secretary of Foreign Affairs, had framed in seventeen hundred eighty-two, the

outline of a commercial treaty with Great Britain, and who had become as conspicuous in his hostility, as he had previously been in his advocacy of the men who established the Constitution.*

That treaty proposed stipulations for a commerce on the footing of natives between the two countries and their dominions, with the *exception* of the territories of the East India and Hudson's Bay Companies! and provided that the subjects or citizens of neither Country should "be reputed aliens" by the other!

Notwithstanding the persevering efforts of the opposition, to represent Hamilton as a man regardless of the popular feeling, it is believed, that no statesman ever existed who was more willing to pay all the deference that is properly due to the public opinion, deliberately † formed and expressed.

Severe in his judgment of his own motives of political action, he was always desirous to bring every public question of real importance to the test of criticism. The value of free discussion no man more highly estimated, and, of the distinguished persons to whom the Revolution gave birth, by none, throughout his whole career, were the appeals to the mind of this nation as frequent, as various, more respectful or better considered. He was eminently

* The author of these essays addressed a letter to the President denouncing the treaty. Washington replied: "You deem the treaty palpably defective and pregnant with evils; others think it contains substantial good. For myself, I freely own, that I cannot discern in it the mischiefs you anticipate; on the contrary, although it does not rise to all our wishes, yet it appears to me calculated to procure to the United States such advantages as entitle it to our acceptance. My final act of course conforms to this opinion." Washington to Robert R. Livingston, Aug. 20, 1795. Washington's Writings, xi. 57.

† "Est Igitur, Res publica Res populi; populus autem *non omnis hominum cœtus quoquo modo congregatus*, sed cœtus multitudinis *juris consensu et utilitatis communione sociatus.*" Cicero De Repub.

a friend of the Press. It had been the source of his earliest distinction. Its defence was the object of his latest and greatest forensic effort. That magic eloquence by which as an advocate he now led his audience along by an irresistible spell, and now overwhelmed it with stirring convictions, bolt after bolt—was on such occasions, no more relied upon. He entered the sanctuary of political discussion with all the reverence due to the sacred interests of the people whom the Constitution acknowledged as sovereign, and argued with all the solemn convictions of one who worshipped at the shrine of truth—concealing nothing—impairing nothing—exaggerating nothing. He felt that he had then passed from the Forum to the Temple.

Heretofore the assaults upon the Administration had in most instances been confined to brief and detached essays, conducted with little system, and indicative of inferior talent. It had been the policy of Jefferson, and was imitated by other leaders of the Democratic party, to stand aloof and uncommitted. "If you put yourself upon paper with him," remarked the most wily and deadly of Hamilton's foes, "you are gone."*

But the important and permanent influence of this treaty on the interests of the United States—its prevention of a war with England, and of a closer alliance with France; its removal of those many sources of irritation which had given to the opposition such large influence; all conspired to bring forth the partisans of France. To these combined efforts Hamilton resolved to give a full reply. The treaty was not such an one, in all its parts, as he would have framed, had he been appointed to the mission, but great objects had been attained, and by no

* Aaron Burr.

unworthy means. He deemed it susceptible of a "Defence." *

The first number of this "Defence," over the signature of "Camillus," † previously referred to by Washington, appeared on the twenty-second of July, four days after the public meeting where Hamilton was assailed with missiles. The Essays were continued through the year until they reached the thirty-eighth.

The early numbers were devoted to preliminary considerations. In the first, the causes of the hostility to the treaty are briefly recapitulated; the vanity and vindictiveness of men irreconcilable to the Constitution, and embittered in their animosity in proportion to its success; the influence of "irregular ambition producing in monarchies supple courtiers; in republics, fawning or turbulent demagogues, worshipping still the idol power wherever placed, whether in the hands of a Prince or of the people, and trafficking in the weaknesses, frailties or prejudices of the one or the other,"—the efforts of foreign counteraction acting through partisans; the unextinguished resentment produced by the Revolution, and rekindled by recent injuries; the enthusiasm for France stimulated by those who would make the United States a party to

* "Mr. Hamilton might still do a great deal of good by giving the public his luminous pen." Vans Murray to Wolcott.

† Differing views were taken of this production by different persons. Robert R. Livingston writes to Monroe July 10, 1795: "Mr. Hamilton has come out openly as the champion of the treaty and published a *weak*, hasty thing in its defence, which has brought over a few of our Tory merchants, not indeed to approve, but to be silent." He mentions his reply over his "old signature—Cato!"

Ames's Works, i. 183: "I have read two Camilluses on the constitutionality of the treaty; so much answer to so little weight of objection is odd. He holds up the Ægis against a wooden sword. Jove's eagle holds his bolts in his talons, and hurls them, not at the Titans, but at *sparrows* and *mice*."

the War; personal and party rivalships seeking to displace the organ of its negotiation; the three prominent successors to Washington being Adams, Jay, Jefferson; the hostility to Jay being quickened by his recent triumph in New York. The mode in which that hostility was stimulated immediately after the arrival of the treaty is in the next place briefly stated. Its object being "to furorize public opinion."

Having, in the second number, considered the policy of negotiating a treaty with Great Britain at that time, Hamilton proceeded in the third to consider an objection, which had been strenuously urged, that the preamble had abandoned the rights and interests of the nation by consenting to terminate all differences between the two countries without reference to their respective complaints and pretensions, so as to produce a mutual satisfaction and good understanding. It has been seen, that in the opening correspondence with Hammond, Jefferson commenced with an assignment of breaches, which resulted in a suspension of all negotiation.

Notwithstanding this result, it was contended, that the same mode of proceeding ought to have been pursued by Jay. In support of which idea, it was alleged, that the United States had constantly charged the FIRST breaches of the treaty upon Great Britain in carrying away the negroes and detaining the Posts, and that this ground Jay ought not to have relinquished.

Admitting that these acts had been charged as breaches of the treaty of peace, Hamilton denied that they had ever been charged as *first* breaches by the Government of the United States, until so charged by Jefferson in his letter to Hammond; and, if so erroneously charged, he denied that the charge ought to have been adhered to.

To determine by whom the treaty was first violated,

a large examination is made of the true construction of the stipulations as to the negroes, and as to the Posts, and of the time when the treaty was to have been executed. It is stated, that the construction of the stipulation as to the Negroes was doubtful; and strong reasons are urged to show why the American interpretation of it might be questioned. Hamilton sternly censured the seduction of them by Great Britain; but she having done it, he said, it would have been still more infamous to have surrendered them to their masters. So to interpret the treaty as to create this obligation would be to suppose that Great Britain had contracted to do things *odious* and *immoral*, which in treaties is not to be *presumed*. This and other considerations created a well-founded doubt as to the legal construction of this stipulation, though the clear intention was to authorize a claim for their restitution.

Jefferson had not inquired which was the true construction, but assumed that of the United States was correct, and argued on that assumption.

As to the Posts, it was a question of time. Were they to be surrendered with all convenient speed after the Provisional or after the Definitive Treaty had taken effect? Great Britain assumed the Definitive Treaty to be the criterion. This question also Jefferson omitted to discuss. With his accustomed facility, he assumed that the provisional treaty was to govern, and argued that a surrender of the Posts had not only not been made, but never had been intended. As an original question this admitted of different views. The treaty being provisional might be considered as referring the execution of its articles to the Definitive Treaty, or, a Provisional being equally obligatory with a Definitive Treaty, it might well be contended, that its operation as to matters it had sufficiently regulated should be immediate. Hamilton considered that the

United States were concluded on this question by their own acts. If performance was to date from the *Provisional* Treaty, Congress ought to have notified it to the States and citizens; have made the recommendations stipulated in it, and have enjoined its observance. They did not do so. All was deferred until the ratification of the Definitive Treaty on the fifteenth January, seventeen hundred eighty-four. This delay was no less a breach of the treaty, if the Provisional Treaty was to govern, than the delay in the orders of Great Britain to evacuate the Posts, and it was at least a *cotemporary* breach. But the breaches of the treaty on the part of America were in fact prior to those of Great Britain. The trespass act of New York on the seventeenth of March, seventeen hundred eighty-three, was the *first* breach. This inference Jefferson sought to escape by the allegation, that being passed antecedently to the Treaty, it could not be a violation of it. But this act was in fact *operative* until April, eighty-seven. He represented the treaty as paramount to the laws of the States and thus repealing them. This theory his partizans had denied. By the Confederation, treaties were not declared to be supreme laws, and Congress had *requested* of the States to *repeal* the laws.—They were in force until repealed *by the States*. Thus Jefferson substituted a theoretic problem as an equivalent for an actual performance.

A series of acts contravening the treaty are next stated, some of them passed during the war, continued in force, and therefore precluding the possibility of a prior breach by Great Britain. On the whole, whether the deportation of the negroes was a breach is doubtful. If it was, the Trespass act of New York preceded it.* Acts

* The objections here answered are chiefly found in Tucker's Life of Jefferson, and are almost identical with those of Madison. Yet, writing to Wash-

of South Carolina and Virginia relating to the Debts also preceded the detention of the Posts.

The exposition of this truth, Hamilton admitted to be, "an unwelcome fact," but when a fallacy, (such as Jefferson had contended for,) endangered rupture and war, it must be exposed. "The true patriot," he said, "who never fears to sacrifice popularity to what he believes to be the cause of public good, cannot hesitate to unmask the error, though with the certainty of incurring the displeasure and censure of the prejudiced and unthinking."

One more subject previous to his examination of the treaty in detail was adverted to,—the omission to provide against the impressment of our seamen. The difficulty of effecting this is shown. A general stipulation not to do it would have been nugatory, if not derogatory. Their exemption was a perfect right. Great Britain did not pretend a contrary right. The rule of evidence as to citizenship was the real difficulty. This had prevented Great Britain entering into any definitive arrangement, notwithstanding the reiterated efforts of the United States.

With her, from the importance of her marine to a then belligerent party, it was a question of *National* safety. To the United States, a neutral, it was one of commercial convenience and individual security. "From its very nature," Hamilton pronounced it to be "a matter of necessity to leave it to occasional and temporary expedients—to the effects of special interposition from time to time to procure the correction of abuses; and, if the abuse becomes intolerable, to the *ultima ratio*. The good faith and the interest of the parties, and vigilance in noting

ington, Feb., 1787, Madison admits distinctly this as a fact. "I find what I was not before apprised of, that *more* than one infraction on our part *preceded* the violation on the other side in the instance of the negroes."

and remonstrating against the irregularities which were committed are probably the only peaceable sureties of which the case is susceptible." The establishment of an "efficacious conventional guard," he feared, would be found impracticable.

The people, thus addressed through the public press by one whose writings had hitherto been received with much favor, were seen to pause in their violence. A more dispassionate conduct was to be expected, and, after sufficient notice, a public meeting was again convened in New York, which Hamilton addressed at much length. Proceeding in his "Defence" of the treaty, after stating that its first article was subject to no observation, he observed, the Second, by fixing a precise period for the evacuation of the Posts, secured that important event as far as a stipulation could do it. As to the objections to the remoteness of the period, the first of June, seventeen hundred ninety-six, and the allegation that there could be no reliance that it would be fulfilled, Hamilton observed, that an earlier period would have been desirable both to repossess them and lest impediments should be multiplied by the delay. But he admitted that the reasons assigned to Jay for this delay had force, and that Great Britain might well desire to establish counter Posts for the resort and protection of her traders. He rejected the suspicion that this postponement was with a secret intent to evade the surrender. Such a suspicion, after a second and precise stipulation in a Treaty, implied such a distrust of her faith as forbade even a negotiation with her. She might also have been influenced by the desire to prepare the minds of the Indians for this event, thus to preserve their friendship, and to leave matters in such a state as would offer them a prospect of better terms of peace with the United States than if immediate possession had been

given. This, if she had stimulated their hostilities, was a duty to them.

The importance of this article was indicated, not only as opening the Indian trade, and relieving the country from the expense of maintaining a force to hold the Indians in check, but as breaking up the supposed project of Great Britain to limit this Republic to the Ohio, and as establishing the influence and authority of the General government over the Western Country. These Posts being considered by Hamilton, as "a very strong link of connection between the Atlantic and Western Country; which, with the necessary controls, he viewed as the knotty point of our affairs, as well as a primary object of our policy;" their peaceful acquisition was more than an equivalent for all the concessions of the United States.

The provision as to "the precincts and jurisdictions of the Posts," he held to authorize a continued jurisdiction where *in part* it had been exercised, and that where there had been no settlements "*Gun Shot* must be the rule." The want of an indemnification for their detention and for the expenses of the Indian wars was also objected to —particularly as it had been granted for the detention of British debts. "When," it was asked in reply, "had any nation granted any such indemnification or done more than restore the thing detained? where Territory had been held on a dispute of title or as a hostage (as in this instance) for some other claim, the recovery of the Territory was the usual satisfaction; where clear injuries are done affecting objects of known or easily ascertained values, the pecuniary compensation may be expected to be obtained by negotiation—and how could any rule of indemnification be established.* As to the expenses of the

* "Cato" (R. R. Livingston) stated the annual loss from this source—the fur trade—as $800,000. It probably did not exceed $20,000. The United

Indian wars—passing by the question how far they were to be attributed to the previous conduct of the United States, Great Britain had denied she was the author of them; and whether guilty or not would have refused as a point of honor, the most distant concession of the fact. Why not ask an indemnification for the expenses of the War of the Revolution?"

The third article, he pronounced, on the whole advantageous to the United States. The Indian trade to which it gave the British access was unimportant. That to which the United States acquired access was important.

As to the other trade, the advantage was with the United States—from the superior facilities of transportation to British possessions, of European, East Indian, and domestic goods. The main object of the first clause of this article was to secure an intercourse between the Territories situated on each side of the Boundary line by "*land passage and inland navigation,*" with a right for that purpose to navigate into the lakes, rivers, and waters thereof, expressly excluding the implication of a right to communicate from or to the sea, to or from Canada or Nova Scotia through the rivers of the United States, or the admission of British vessels into those rivers beyond the highest ports of entry, to which the existing laws then restricted foreign vessels. The inference that this negative of such an implication conferred a positive privilege to navigate by sea to and from our sea-ports was shown to be unwarranted.

The River Mississippi was declared, according to the treaty of Peace, to be open to both parties, with free ac-

States gained by the Treaty a participation in seven-eighths of this Trade, which was on the British side, in exchange for their participation in one eighth on the American side.

cess to the vessels of either party to all ports and places on its eastern side in *as ample* a manner as the Atlantic.

An objection has been raised, that this "right to navigate the Mississippi, *conceded* to Great Britain in the Treaty of eighty-three under the mistaken idea that it extended to her Territory, was renewed and greatly enlarged, when the *mistake* was *discovered*, though the same principle of national law was not extended to the United States as to the navigation of the St. Lawrence." *

The fourth article of the Treaty provided for a survey to ascertain this fact; and thus presumed that Great Britain would ultimately be found to have territory bordering on the Mississippi. A common interest in its navigation had been established by the treaty of eighty-three. Spain denied this use of the river. As an indispensable outlet for the West it might well have been deemed important to cement the interests of Great Britain in this right more closely with those of the United States, and to separate them from those of Spain. Should Great Britain extend her colonization along the Western borders of that river, it would become of immense importance to secure an access to that vast region.

That the navigation of the St. Lawrence would have been a desirable privilege, cannot be questioned. But no common interest in that river to its source had ever been admitted. The navigation of the Mississippi was not *conceded*, but *confirmed* to Great Britain—in execution of the Treaty of Peace, not as the result of "a principle of national law." The instructions to the Envoy did not embrace it. The stipulation in relation to it was the result of Hamilton's private advice to Jay.

The fourth and fifth articles provided for a survey to

* Tucker's Jefferson, i. 504.

determine the Western and Eastern boundaries. If the provisions as to the former in the Treaty of Peace could not be executed it was referred to future negotiation.

The sixth stipulated for the appointment of a Board of Commissioners to ascertain the amounts and validity of the claims of British subjects against American citizens for debts contracted before the peace, to the collection of which legal impediments had been interposed, whose award the United States engaged to pay twelve months after the exchange of ratifications. Hamilton stated, that he had ever been of the opinion, that no adjustment of the controversy as to the inexecution of the Treaty of Peace could be made which would not embrace an indemnification for losses sustained in consequence of legal impediments to the recovery of these debts.

It has been objected, that, while "the Treaty secured to the British creditors indemnity for the supposed injustice of the State Legislatures and Courts, not only as to the principal of their debts, but also as to the *interest* during the War, it made no provision for the negroes.*

The General Government, which was the only competent authority, never having elected in consequence of the breaches of Great Britain to consider the whole or any part of the Treaty void, it was an usurpation in any State to take upon itself the business of retaliation. The interruption of the recovery of debts, Hamilton pronounced "contrary to the modern usage of nations, immoral in itself, against the opinions of the generality of enlightened men, and disreputable to the nation which has recourse to it." "Let not the people of America tarnish their honor by participating in that condemnation of this indemnity, or by shielding with their favorable

* Tucker's Jefferson, i. 503.

opinion the meretricious apologies which are offered for the measures that produced the necessity of reparation." "It was an act demanded by the justice, probity and magnanimity of the nation."—The restitution of the Posts entitled Great Britain to the equivalent, which was the ground of their detention, compensation for the debts. It was a *sine qua non* from which fidelity to her citizens and her system forbade her to recede.

Whether interest ought to have been allowed was properly declared to be a matter of discretion. The circumstances of the war afforded strong reasons for its abatement, but the propriety of such abatement must depend on the circumstances of each case. No more equitable mode of deciding such a question could have been adopted than this reference to commissioners.

The seventh article provided for the appointment of commissioners to ascertain the losses and damages which had resulted from the illegal captures or condemnations of American vessels and other property under color of authority from the Crown; and also from captures made within the limits of the United States or by vessels originally armed within them. The provision as to captures within the limits of the United States or by vessels originally armed within them was in compliance with the principle, the adoption of which, Hamilton had with so much difficulty induced, and had caused to be embodied in a letter from Jefferson to Hammond, which letter was annexed to the treaty.

In the sixteenth number of "Camillus," Hamilton states the argument in favor of this stipulation with great force, and adds the interesting fact, that, if it had not been proffered, "there was the *highest probability* that war would have ensued." Attributing, as was his custom, the whole merit to the President, he asks, "Can we blame our Chief

Magistrate? Can we even deny him praise for having diverted an imminent danger to our peace by incurring the responsibility of giving an expectation of compensation? The conjuncture we may remember was critical and urgent. Congress were at the time in recess."

These awards were to be paid by the respective countries, those in favor of the United States instantly, those in favor of Great Britain after twelve months. This was the most eligible mode of ascertaining the damages which had been incurred, preferable to legal adjudication by the Courts of either Country, and adjusted points of serious controversy. The paying of these commissioners was provided for by the eighth article. It was asserted by the opponents of the treaty, to be an unconstitutional disposition of the public money!

The ninth article provided, that the Citizens of either country, then holding lands in it, might continue to hold, grant, and devise them as if they were natives, without prejudice to their heirs or assigns, as aliens. This article had been objected to in the Senate as unconstitutional because it trenched upon the authorities of the States. This objection was pronounced inadmissible. Almost every treaty alters some existing laws; and, as to its objects, controls the legislative authority, whether of the Union or of the States. It only cannot alter the Constitution of the Country, or infringe any express exceptions to the power in the Constitution of the United States. Analogous stipulations were instanced in the treaties both with France and England, made under the Confederation, and never disputed.

The treaty power under the Federal Constitution is plenary—more so than it was under the Confederation. The objection to the Constitutionality was deemed futile.

Although it merely stipulated in favor of persons then holding lands in the United States, this article gave rise to a more violent clamor than any other, from the misrepresentation that it conferred an indefinite right on British subjects to hold land within this Republic. It will be remarked, notwithstanding "Cato's" declaration, that this provision, limited as it is, was an "infringement of the constitutional independence of the States," that in the ninth and tenth articles of the plan of a treaty with Great Britain reported by him to Congress on the sixth of May, eighty-three, the right complained of is granted indefinitely to all the subjects of either party throughout all time, and that a special article is inserted to guard it from misconstruction.

A similar provision, broader than that made by Jay, in which there was a peculiar propriety from the previous relations of the United States and Great Britain, existed in the treaty with France, which was relied upon by Jefferson in his correspondence with Vergennes, as a law *superior* to that of Georgia, prohibiting aliens to hold lands, and repealing it.

The tenth article prohibited, in case of a national difference, any sequestration or confiscation of the debts or funded property of the individuals of either nation. To this article, which it has been seen originated with him, Hamilton attached peculiar value. He regarded it as an affirmance of the modern law and usage of civilized nations; and if there had been violations of it by either of the present belligerent parties, he thought they formed no just objections. "For this war," he said, "has violated in different instances most of the most sacred laws of Nations."

It was objected, that it removed an effectual check upon Great Britain. He answered that there existed be-

fore the stipulation no *rightful* or moral power to sequestrate; and that the power, notwithstanding it was without right or morality, still existed; that the fear of its exercise had been no check upon Great Britain; and that those States which had resorted to it had derived no benefits from it. "No *honest* or purely political objection lies against this article." Such sequestrations had been provided against in the Magna Charta of Great Britain; and Hamilton, while he declared them against the spirit of a part of the Federal Constitution, regretted that "it is not unequivocally decorated with a like feature—a constitutional precaution for the maintenance of Justice." In reply to the clamors on this subject, he observed, "I never will endorse the base doctrine that our security is to depend on the tricks of a swindler." "I will look for it in the courage and constancy of a free, brave and virtuous people; in the riches of a fertile soil; an extended and progressive industry; in the wisdom and energy of a well-constituted and well-administered government; in the resources of a solid, if well-supported, national credit; in the armies, which, if requisite, could be raised; in the means of maritime annoyance, which, if necessary, could be organized, and with which we could inflict deep wounds on the commerce of a hostile nation." "I would not stoop to dishonorable means of security, or substitute a crooked and piratical policy, for the manly energies of fair and open war." *

This noble burst of feeling is followed by a profound and elaborate argument worthy of the subject and of his

* "The provisions in favor of aliens holding lands, and of resident foreign merchants, against the sequestration of debts, and private property, and against reprisals, operate in favor of *twenty*, perhaps *fifty* British subjects, for *one* American citizen." This *arithmetical morality* is found in Tucker's Jefferson, i. 505

powers; for he felt that, "the measures of War ought ever to look forward to Peace."

The discussion of the first ten or permanent articles occupied twenty-two numbers of these essays. To the remaining or temporary articles twelve were devoted. The general views entertained by Hamilton as to the commercial features of this treaty have been seen in the letter addressed by him to the President. That letter contains the outline of "Camillus."

It is perceived from a comparison of it with the first twenty-two numbers, the original drafts of which are in Hamilton's autograph, that they were exclusively his. Of the remaining essays, ten, Nos. 23 to 30, both included; 34 and 35 were from another pen; with frequent alterations, interlineations and additions by Hamilton. The residue of the numbers, being six, are also Hamilton's exclusively.

It has been stated, that his letter to the President contained the outline of these numbers on the commercial features of the treaty, but it should be observed, that the views were much extended in them; that, when the objections to the treaty are admitted, the defensive observations as to Jay, which had been previously presented by him to the President, are interlined in Hamilton's autograph, and that great care is evinced by him, lest the positions taken should mean more than he felt was warranted by just inductions. As he had urged the mission of Jay, he felt the more anxious to guard him from censure.

The eleventh article was merely introductory of the succeeding. The opinion entertained by Hamilton of the twelfth has been previously shown. That its rejection by the United States was wise, is the more obvious, when viewed as an effort on the part of Great Britain to obtain a treaty sanction to a mere modification of the rule of seventeen hundred fifty-six.

The thirteenth article permitted a trade to the British territories in the East Indies in all articles not prohibited, subject to the same tonnage duties and charges as British vessels paid in the United States, but with an agreement that American vessels shall carry the products of those territories only to their own ports; shall not engage in the Indian Coasting trade; and that American citizens shall not reside there.

This article, which Hamilton suggested to Jay, converted the direct trade hitherto enjoyed by suffrance from India to the United States into a *right by stipulation*, and the East India commodities, when they arrived within the United States, might be reëxported; though it did not secure an indirect trade from India nor the coasting trade there. This stood as it did before the Treaty,* depending on the suffrance or free permission of the British. The agreement not to engage in the indirect or in the coasting trade might be waived. If it should be permitted, this permission would release the restriction. The clause securing American vessels from paying any higher duties than British was highly important as preventing a resort to duties countervailing those laid by the United States on foreign vessels bringing goods from India. "This article," Hamilton observed, "is all on one side and favorable to us." Holland and France had both maintained their monopolies of this trade.

The fourteenth article was a general formula without any special or remarkable feature. The fifteenth, with more precision than is usual, established reciprocally the rule of the most favored nation. It stipulated that, as to

* "The trade from America to the East Indies, by which *Dollars* were exchanged for *India Manufactures*, had been permitted before the treaty as being very convenient to the East India Co., was *now* subjected to the new *restriction* of being direct to the United States." Tucker's Jefferson, i. 505

the points enumerated, Great Britain shall be on no worse footing than other nations, but gave her no preferences. The sixteenth merely related to Consuls on the common and a harmless footing. The seventeenth, recognizing the right of a belligerent nation to take its *enemy's* goods out of a neutral vessel, established the usual guards against abuse.

This principle Hamilton pronounced conformable to the law of nations. It is the uniform doctrine of writers; and was, previous to the armed neutrality,* the uniform and universally allowed practice of modern nations. This combination, during a war of temporary duration, and on special motives, not generally acceded to, and not sanctioned by time, could not be deemed to alter the law of nations. The Government of the United States, by an unanimous opinion, gave up the opposite and new doctrine as "untenable." He questioned its ever being adopted as the law of nations. The provisions of this article are discussed in the thirty-first number of "Camillus," where it is shown, that the United States had previously made, after full deliberation, a formal renunciation of the pretension † that "free ships shall make free goods" and "enemy's ships enemy's goods."

The law of nations as to the right of search, a belligerent right, is also examined in this number.‡

In the thirty-second number, Hamilton comments on

* The American Ordinance as to captures only went so far as to ordain that neutral bottoms should protect enemy's goods, merely abridging the rights of the United States.

† Tucker's Jefferson, i. 504. Jefferson to Morris, August 26, 1793.

‡ The treaty virtually admits this right in time of war. According to the existing maritime custom, credit was to be given to certificates or bills of lading produced by the master, unless any ground appear in them or there be very good reasons for suspecting their validity. Thus the ship's papers were not conclusive.

the eighteenth article of the treaty, which specified the articles to be deemed generally contraband; a specification agreeing with the law of nations, as laid down by writers and sanctioned by long practice. But it was exceptionable, he admitted, as comprising in the enumeration, articles excepted in other treaties, while it was the interest of the United States, to narrow the list of contraband. The second clause of this article was the subject of most censure by the opposition. By this clause, it was stated, the United States, admitting provisions to be contraband, "gave their sanction to an *innovation in national law* peculiarly injurious to them; and against which they had so loudly complained after the British order of the eighth of June.*

This is a misstatement. The treaty expressly refers to the "existing laws of nations" as the criterion of contraband; and provides, which the "law of nations did not, that the goods shall "*not be confiscated*, but that the owners thereof shall be speedily and completely indemnified" —except in the case of a *contumacious* attempt, *after notice*, to enter a besieged, blockaded, or invested Port. The truly objectionable part of this article was its extension of the list of contraband beyond what had been done in other treaties, and not beyond, but to the full extent of the rigor of the law of nations. It included naval stores, which was ineligible, and it left the question as to "provisions" open. Yet, as this article might possibly become the pretext of abuses on the side of Great Britain and of complaint on that of France, Hamilton observed, "I should have liked the treaty better without it. I think it the worst article in it, except the twelfth, though not defective enough to be an objection to its adoption." It

* Tucker's Jefferson, i. 504.

was, from previous circumstances, a matter in the negotiation of extreme delicacy and difficulty.*

The remaining articles chiefly related to the usual maritime regulations stipulated between nations. These were by several modifications essentially improved. It was declared, that they should not be so construed as to be repugnant to existing treaties. The sale of prizes in American ports was expressly prohibited, an indulgence previously granted to France, not as of right, but because there was no law against it. The treaty thus became a salutary law to enable the observance of an exact and scrupulous neutrality. The concluding numbers being the thirty-sixth—seventh, and eighth, contained an examination of the Constitutionality of the treaty. They were, as previously observed, exclusively by Hamilton. These numbers embrace a very able and conclusive argument, sustained by precedents of previous treaties, showing that the treaty power of the General government extended to the cession of its territory, as a part of the eminent domain.

Though written amid the pressure of his professional duties, no one of his productions evinces greater elegance of diction and style, or an equal exhibition of his powers as a writer on International law.

The topics they discussed affected the interests of all the nations of Europe, and there they were justly appreciated. Bernstorf, the distinguished Statesman of Denmark, attached to them an especial value, regarding them "as a classical work."

Towards these Essays, which were continued through-

* See Pothier, de Proprieté—Valin—1 Wheaton, 398—Jefferson to Hammond, Sept. 22, 1793. Randolph to do.—1 May, 1794. Journals of Congress, 8 May, 1777.

out the year, the whole current of controversy was directed; and Hamilton, as their reputed author, was singled out as the object of virulent personal invective. He was not silent. In reply to various misstatements of his arguments he published a series of explanatory Essays, entitled "Philo Camillus," exposing in caustic retorts the fallacies of his antagonists, who retreated one by one from the contest.

The effect of these writings on the opinions of the nation was soon manifested, notwithstanding recent aggravations in the conduct of England. How deeply this influence was felt, how earnestly deprecated, is seen in the correspondence of the leader of the opposition. Strong hopes were indulged that on the retirement of Washington, the great object which had prompted all its exertions might be attained; and before Congress adjourned, preliminary arrangements for the election of his successor were discussed.

With that view, Madison remained some time in Philadelphia after the Session had closed, whence he addressed a letter on the subject to the late Secretary of State.

Jefferson, in his reply, with infinite art deferred his pretensions to those of Madison, and avowed his fixed determination to retire from office; "all office, high or low, without exception," with an assumed earnestness and feigned modesty most flattering to the person to whom it was addressed. After alluding to his own health, his age, his affairs, his domestic delights and agricultural pleasures, he observed:

"The little spice of ambition which I had in my younger days has long since evaporated; and I set still less store by a posthumous than by a present fame. In stating to you the heads of reasons which have produced my determination, I do not mean an opening for future dis-

cussion, or that I may be reasoned out of it. *The question is for ever closed with me;* my sole object is to avail myself of the first opening ever given me from a friendly quarter of preventing any division or loss of votes, which might be fatal to the republican interest. If that has any chance of prevailing, it must be by avoiding the loss of a single vote, and by concentrating all its strength on one object. Who this should be is a question I can more freely discuss with any body than yourself." *

On the same day, he wrote to Giles congratulating him "on the great prosperities of our two first allies—the French and the Dutch." "If," he said, "I could but see them now at peace with the rest of their Continent, I should have little doubt of dining with Pichegru in London, next autumn; for I believe I should be tempted to leave my clover for a while to go and hail the dawn of Liberty and Republicanism in that Island."

While the decision of the President as to the ratification of the treaty was pending, Jefferson appears to have maintained a cautious silence, but as soon as it was known, he broke forth with his frequent violence.

"I have always found," he wrote, to a wealthy planter of Virginia, "that rogues would be uppermost, and I do not know that the proportion is too strong for the *higher orders*, and for those who, rising above the *swinish multitude*, always contrive to nestle themselves into the places of power and profit. These rogues set out with stealing the people's good opinion, and then steal from them the right of withdrawing it, by contriving laws and associations against the power of the people themselves. Our part of the Country is in considerable fermentation on what they suspect to be a recent roguery of this kind. They say, that while all hands were below deck mending sails, splicing ropes, and every one at his own business, and the *captain in his cabinet, attending to his log book and chart*, a rogue of a pilot has run them into an enemy's port. But metaphor apart, there is much dissatisfaction with Mr. Jay and his treaty. For my part, I consider my-

* Jefferson's Works, iii. 312—April 27, 1795.

self now as a passenger, leaving the world and its government to those who are likely to live longer in it.*

A fortnight after,† he wrote to the Senator from Virginia who had moved a rejection of the treaty, indulging in freer language towards Washington;—"the captain in the cabin, attending to his log book and chart." "I am not without hopes that the operation of the twelfth article may render a recurrence to the Senate yet necessary, and to give the majority an opportunity of correcting the error into which their exclusion of public light has left them. I hope, also, that the recent insults of the English, will, at *length awaken in our Executive* that *sense of public honor and spirit*, which they have not lost sight of in their proceedings with other nations, and will establish the eternal truth, that *acquiescence under insult* is not the way to escape war."

A week later, he wrote to Madison, playing upon his malignant hostility towards Hamilton, a feeling which continued in all its intensity when other feelings failed.

After referring to the controversial writings on the treaty, and attributing erroneously those of "Curtius" to Hamilton, as intended to prepare the way for "Camillus," he thus stimulated him to the contest:‡

"Hamilton is really a Colossus to the Anti-Republican party. Without numbers, he is an host within himself. They have got themselves into a defile where they might be finished; but too much security on the Republican part will give time to his talents and indefatigableness to extricate them.

"We have had only middling performances to oppose to him. In truth, when he comes forward, there is nobody but yourself can meet him." * * * (The merchants) "have feared the shock would be too

* Jefferson's Works, iii. 814. Aug. 30, 1795.

† Sept. 13, 1795.

‡ Jefferson's Works, iii. 814. Sept. 21, 1795.

great, and have chosen to tack about and support both treaty and government, *rather than risk the government.* Thus it is, that Hamilton, Jay, &c., in the boldest act ever ventured on to *undermine* the Government, have the address to screen themselves; and direct the hue and cry against those who wished to drag them into light. A bolder party stroke was never struck. For it certainly is an attempt of a party who find they have lost their majority in one branch of the Legislature, to make a law by the aid of the other branch and of the Executive, under color of a treaty, which shall bind up the hands of the adverse branch from ever restraining the commerce of their patron nation.

"There appears a pause at present in the public sentiment which may be followed by a revulsion. This is the effect of the desertion of the Merchants; of the President's *chiding* answer to Boston and Richmond; of the writings of Curtius and Camillus; and of the quietism into which people naturally fall after first sensations are over. For God's sake take up your pen and give a fundamental reply to Curtius and Camillus."

This supplication was in vain.

CHAPTER CXXI.

The annunciation of the ratification of the treaty is seen to have called forth Jefferson's denunciation; others were not silent. "Alas," wrote the man, who, as Chancellor of New York, had administered the oath of office to Washington, now a bitter, disappointed opponent; "Alas, that hope is frustrated. He has ratified the fatal instrument, alike hostile to our liberties, and the good faith we owed to France, and to our own Constitution, which confines to Congress many of those powers which are *bartered away by the Executive.*"—"In the papers you will find a full discussion of the treaty, and your respect for Hamilton will doubtless be greatly increased by knowing that he is the author of Camillus." *

Previous to this act of the President, the Democratic press had observed towards him, in relation to it, a studied respect. But when this decision was made known, the hostility of that party to Washington, hitherto with difficulty suppressed, was loud and clamorous. It was asked, "Does the President fancy himself the Grand Lama of this Country? His answer to the people of Philadelphia bespeaks a contempt for the people that no other evidence than his own letter would render credible. They have

* Robert R. Livingston, Aug. 25, 1795.

judged of the treaty with no more passion, and with as good information, as the President, his twenty Senators, or even 'Camillus,' who has kept himself in the back ground of the picture." "We have been guilty of idolatry too long; punishment is pursuing us for it. It is high time that we should have no other Gods but one."* He was told, "that Augustus did not think it necessary to make a line of circumvallation of the officers of his Government and his courtiers to screen him from the Roman people." After charging him with "dark schemes of ambition," Washington was admonished, that "The American people will look to death, the man who assumes the character of an usurper." "They encourage me," exclaimed the bold calumniator, "to rend the veil of superstition; and while half the world are busied in idolatrous sacrifices to Presidential infallibility, it should be mine to enlighten the victims and detect the cheat."

Tracing every act of his administration to Hamilton, the President was told, that, "Along with the awful sentence of execration which awaits that ambitious Catiline, who has been the principal adviser and chief promoter of your measures, the fame of Washington will descend with his to oblivion."

With increasing fury, "his mock pageantry of monarchy, and apish mimickry of Kings" are denounced; and he was charged with aspiring to a throne, as if any title could equal that which his virtues had conferred. One only hope was said to remain. "The House of Representatives must interpose against the encroachments of the Senate, and the President"—Washington—"must be impeached!"

Amidst insult and invective, the President gave to an

* The Aurora for August, September and October, 1795.

address disapproving his assent to the Treaty, this mild and touching rebuke: "It is now well known that my assent to the Treaty has been given, and the principles which governed my determination have also been made public. On a subject so complex, and having such extensive relations, some diversity of opinion might be expected.

"But those of my fellow-citizens, who, in the course of a perilous war and arduous administration, know, I have given proofs that 'I loved my country,' will not easily be persuaded, that, at this late period, and in one of the most important acts of a life, which has been devoted to its service, I have ceased to love it. While I acknowledge the pleasure derived from the confidence of my fellow-citizens, I may assure them of my attachment to their true interests."

The difficulties of the President's position were increased by the late aggression of Great Britain, in the renewal of the obnoxious order, violating neutral trade, and by a wanton insult recently offered to the Country by the Commander of a British Frigate.* This officer sought to intercept the French Minister, sailing in an American vessel within the waters of the United States, and subsequently addressed a letter to the Governor of Rhode Island, through the British Vice Consul, threatening, in case of any affront or insult being offered to any of his people while on shore, "that he would immediately come in with his ship and protect them." A representation being made to the President, he immediately revoked the exequatur of the consul, and ordered a remonstrance to be presented to the British Ministry.

The terms of the ratification of the treaty by the Senate rendered a new negotiation necessary. Washing-

* Captain Holmes.

ton's attention had been called to this subject; and in reply to a letter from Hamilton, he wrote to him on the thirty-first of August, again asking his advice. After stating his official knowledge, that an order for seizing all provision vessels going to France had been secretly issued, he observed,—

"By these high-handed measures of that Government, and the outrageous and insulting conduct of its officers, it would seem next to impossible to keep peace between the United States and Great Britain."

"To this moment, we have received no explanation of Holmes's conduct from their chargé des affaires here; although application was made for it before the departure of Mr. Hammond, on the statement of Governor Fenner, and complaint of the French Minister. Conduct like this disarms the friends of peace and order, while they are the very things which those of a contrary description are wishing to see practised.

"I meant no more than barely to touch upon these subjects in this letter, the object of it being to request the favor of you to give me the points on which, in your opinion, our new negotiator is to dwell, when we come into the field of negotiation again; agreeably to what appears to have been contemplated by Mr. Jay and Lord Grenville at the close of the treaty subscribed by them; and agreeably also to what *you* conceive *ought* to be brought forward, and insisted upon on this occasion.

"I am sorry I have been so late in applying for this opinion; but a coincidence of unexpected events have involved me in more than usual business, and some of it of not a very pleasant nature. This has occasioned the delay, but the pros and cons relative to the Treaty that *is* and the Treaty that *ought* to be, in the judgment of the opponents, are so much in your view, that if you wanted a remembrancer, you would be at no loss from these discussions to advert to them, and you will require but little time to furnish me with what I have here asked. This I press with more earnestness, inasmuch as circumstances will render it very inconvenient for me to remain here longer than the present week, (before I return to Mount Vernon for my family,) but which I must do, until the instructions for the new negotiator are completed.

"Although *you are not in the administration, a thing I sincerely regret*, I must nevertheless (knowing how intimately acquainted you are with all the concerns of this country,) request the favor of you to note down such occurrences as, in your opinion, are proper subjects for communication to Congress at their next session; and, particularly, as to the manner in which this treaty should be brought forward to that body; as it will, in any aspect it is susceptible of receiving, be the source of much declamation, and will, I have no doubt, produce a hot session.—With sincere regard, I am, my dear Sir, your affec. and obt"

On the fourth of September, Hamilton wrote the following answer, dictated in part by the President's feelings:—

"I had the pleasure of receiving two days since your letter of the thirty-first ultimo. A great press of business and an indifferent state of health have put it out of my power sooner to attend to it.

"The incidents which have lately occurred have been every way vexatious and untoward. They render indispensable, a very serious, though calm and measured remonstrance from this government, carrying, among others, this idea, that it is not sufficient that the British Government entertain towards our nation no hostile dispositions, it is essential that they take adequate measures to prevent those oppres sions of our citizens, and of our commerce, by their officers and courts, of which there are too frequent examples, and by which we are exposed to suffer inconveniences too nearly approaching to those of a state of war. A strong expectation should be signified of the punishment of Capt. Holmes for the attempt to violate an ambassador passing through our territory; and for the hostile and offensive menaces which he has thrown out. The dignity of our country and the preservation of the confidence of the people in the Government, require both solemnity and seriousness in these representations.

"As to the negotiations for alterations in and additions to the Treaty, I think it ought to embrace the following objects:

"A new modification of the twelfth article so as to extend the tonnage, and restrain the prohibition to export from this country to articles of the growth or production of the British Islands. The more the tonnage is extended, the better; but, I think ninety tons would work advantageously, if nothing better can be done. I had even rather

have the article with *seventy*, as it stood, than not at all, if the restriction on exportation, is placed on the proper footing. Some of our merchants, however, think its value would be questionable at so low a tonnage as seventy. It would be also desirable, that the article should enumerate the commodities which may be carried to and brought from the British Islands. This would render it more precise, and more intelligible to all.

"Great Britain may have substantial security for the execution of the restriction, if it be stipulated on our side, 'that a law shall be passed and continued in force during the continuance of the article, prohibiting the exportation in vessels of the United States of any of the articles in question, if brought from British Islands, on pain of forfeiture of the vessel, by wilful breach of the law; and that the same law shall provide, that the regulations contained in our laws respecting drawbacks shall be applied to all exportations in our vessels of the articles in question, to ascertain that they were imported into the United States, from other than British Islands; and this, whether a drawback of the duty is required or not by the exporter; and shall also provide that all such articles exported in our vessels from the United States shall be expressed in the clearance with a certificate of the Collector indorsed, specifying, that he has carefully examined, according to the Treaty and to the law, the identity of the articles exported; and that it did *bona fide* appear to him that they had not been imported from any British Islands.' This security is the greatest difficulty in the case; and would in my opinion be given by a provision similar to the foregoing.

"It would be a very valuable alteration in the thirteenth article,—if, a *right could be stipulated* for the United States to go with articles taken in the British territories in India to other parts of Asia. The object of the present restriction upon us to bring them to America was, I believe, to prevent our interference with the British East India Company in the European trade in India goods. If so, there could be no objection to our having a right to carry commodities from the British territories to other parts of Asia. But, if all this latitude cannot be obtained, it would be a great point gained, to have a right to carry them to China. It is a usual and beneficial course of the trade to go from the United States to *Bombay*, and take in, there, a freight for *Canton*, purchasing at the last place a cargo of teas, &c.

"It would be well, if that part of the fifteenth article which speaks

of *countervailing* duties, could be so explained as to fix its sense. I am of opinion, that its only practical construction is, and ought to be, that they may lay on the *exportation* from their *European dominions*, in vessels of the United States, the *same additional* duties on articles which we lay on the *importation* of the *same articles* into the United States in *British vessels*. But the terms of the clause are vague and general; and may give occasion to set up constructions injurious and contentious. As to the more exact equalization of duties, of which this article speaks, it is a ticklish subject; and had better, I think, be left alone. It would be right, that it should be expressly agreed, that wherever our vessels pay in the ports of Great Britain higher charges than their own vessels, a proportional deduction shall be made out of any duty of tonnage which may be laid on our vessels to countervail the difference of tonnage on theirs in our ports.

"The eighteenth article is really an unpleasant one; and though there is, I fear, little chance of altering it for the better, it may be necessary for the justification of the President to attempt it. The standard to be approached by us, as nearly as possible, is that in our treaty with France. As to the point of free ships making free goods; though it be desirable to us to establish it, if practicable; and ought to be aimed at; yet I neither expect that it will be done at present; nor that the great *maritime powers* will be permanently disposed to suffer it to become an established rule; and I verily believe, that it will be very liable, though stipulated, to be disregarded, as it has been by France, through the greatest part of the present war. But NAVAL STORES and PROVISIONS ought, if possible, to be expressly excluded from the list of contraband; except when going to a blockaded or besieged port, town or fortress, or to a fleet or army engaged in a milieary operation; for I can imagine no other cases in which there is a just pretence to make *provisions* contraband."

Hamilton is seen expressing a wish, that there had been "stipulated with regard to contraband goods," what had been "stipulated with regard to enemy's goods," that the *contraband only should be detained*, the rest of the cargo *liberated*, since it was "contended in *certain cases*, that the contraband articles will infect the ship and the residue of the cargo." This object was *temporarily* at-

tained during the recent war of England and France with Russia, by a governmental declaration of each of the former powers, "waiving the *right* of seizing enemy's property laden on board a neutral vessel, unless it was contraband of war." An effort * by the United States to make this a part of the law of nations, or as Hamilton expressed it, "an established rule," did not succeed. † ‡

In the comment upon this article of the treaty with Great Britain, this very important suggestion is made by Hamilton:—

"Some provision for the protection of our seamen is *infinitely desirable. At least*, Great Britain ought to agree, that no seamen shall be *impressed out of any of our vessels at sea*, and that none shall be taken out of such vessel in *any of her colonies*, which were in the vessel *at the time of her arrival at such colony*. This provision ought to be pressed *with energy*, as one unexceptionably just, and, at the same time, safe for Great Britain.§

"The affair of the negroes to give satisfaction may be retouched,

* Marcy to Buchanan, April 13, 1854.

† Declaration of the Queen—Victoria—March 28, 1854.

‡ An able and strong view is taken as to the rights of neutrals, in respect to "the *condition of an enemy's property found on board the vessel of a friend, and to the system of blockades and contraband of war*," in recent despatches (May 12 and June 27, 1859) by Lewis Cass, Secretary of State, to J. Y. Mason, envoy at Paris, and Lord Lyons, British Minister at Washington.

§ With this advice for an absolute immunity and freedom from visit and impressment at sea, and in the British colonies, the opinion of Jefferson approving the right of visit to be exercised by foreign naval officers, both during peace and war, is in strong contrast: "After ten years attention to the subject, I have never been able to devise any thing effectual, but that the circumstance of an American bottom be made, *ipso facto*, a protection for a *number* of *seamen* proportioned to her tonnage; that American captains be *obliged*, when called on by foreign officers, to *parade the men on deck*, which would show whether they exceeded their own quota, and allow the foreign officer to *send two or three persons aboard and hunt* for any persons suspected to be concealed." Jefferson's Works, iii. 322, to Giles, March 19, 1796.

but with caution and delicacy. The resolution proposed in the Senate will afford a good standard for this.

"As to the crowd of loose suggestions respecting the Treaty which have no reasonable foundation, it would not consist with the reputation of the Government to move concerning them. Only reasonable things merit, or can, with propriety, have attention.

"I beg, Sir, that you will at no time have any scruple about commanding me. I shall always with pleasure comply with your commands. I wish my health, or the time for it, would permit me now to be more correct. The other part of your letter shall be carefully attended to in time. With the truest regard and the most affectionate attachment."

A similar request was made of Jay. As to the impressment of seamen, and in respect to the articles relating to the West and East India trades, he advised modifications like those proposed by Hamilton, but was silent on the other points; doubting the expediency of introducing into the negotiation, at present, propositions which might defer the restitution of the Posts at the specified time; and from some question in his mind as to the policy of Great Britain.*

A short time after, Hamilton wrote to the President on a subject to both of deep interest.

La Fayette had been made a prisoner, and was incarcerated at Olmutz. His son, by connivance of the Committee of Safety, and with the aid of a distinguished American Merchant,† was enabled to resort to the United States, where he arrived early in October with his tutor, and remained incognito until they should hear from the

* Life of Jay, ii. 257. Sept. 3, 1795.

† Col. Thomas H. Perkins of Boston,—a Prince among Merchants—Enterprising—sagacious—firm—kind—provident—most liberal—most enlightened as to all the better uses of wealth. He reminds of a distinguished citizen of ancient Greece—who amassed money to use it, and used it to benefit his Country.

the President. After mentioning his arrival, Hamilton added :—

"Shall I trespass upon your indulgence in hazarding a sentiment upon the subject of this young gentleman? If I do, let it be ascribed to the double interest I take in a son of the Marquis, and in whatever interests the good fame and satisfaction of him to whom I write.

"On mature reflection, and on sounding opinions, as far as opportunity and the nature of the case have permitted, I fully believe that the President need be under no embarrassment as to any good offices his heart may lead him to perform towards this young man. It will not, I am persuaded, displease those in possession of the power of the Country from which he comes, and in ours, it will be singularly and generally grateful. I am convinced that the personal and political enemies of the President would be gratified, should his ideas of the policy of the case restrain him from that conduct, which his friendship to the Marquis and his feelings otherwise would dictate. The youth of this person, joined to the standing of his father, make the way easy."

The possibility that the Marquis might again be restored to power was urged as an additional motive. The President informed Hamilton in reply, that he

"had unavailingly, owing to accidents, been endeavoring through indirect means to learn Adet's sentiments relative to the coming over of the young gentleman." But added, that, if after the information enclosed to him, he should be of opinion that the President ought to go further at that time, that he would do so at all events, "for to be in the place of a father and friend to him I am resolved under any circumstances. If therefore, as you have just said, you should think that good would come from it, or even consolation flow therefrom to young La Fayette, and his tutor, I pray you to send them hither incog. without delay, that some plan may be fixed, in settling of which, I pray you to give me your ideas which shall appear most eligible either by them, or previous to their arrival here."

This idea was subsequently repeated. "I am willing," the President observed, "to receive him under any circumstances or in any manner you may conceive best, and

wish to know what that is." Hamilton excused his delay in answering these letters, as arising "from an extraordinary pressure of business," and from a wish, without unveiling the motives, incidentally to sound the impressions of other persons of judgment.

"The bias of my inclination," he adds, "has been that you should proceed as your letter of yesterday proposes, and I cannot say it is changed, though it is weakened, for I find that in other minds and judicious ones, a doubt is entertained whether at the actual crisis it would be prudent to give *publicity* to your protection of him. It seems to be feared, that the factious might use it as a weapon to represent you as a favorer of the Anti-Revolutionists of France; and it is inferred, that it would be inexpedient to furnish at this moment any aliment to their slanders. These ideas have enough of foundation and importance to make me question my own impressions, which, from natural disposition, are in similar cases much to be distrusted."

He advised the President in the interval to write young La Fayette a letter as

"affectionate as his feelings would naturally lead him to make it, announcing his resolution to be to him a parent and friend, but that peculiar circumstances imposed the necessity of delaying the gratification of a personal interview, desiring La Fayette at the same time to concert with him a plan of disposing of himself satisfactorily and advantageously in the mean time."

The letters thus suggested were enclosed by the President to Hamilton for his perusal, informing him that he should "cheerfully acquiesce in any measures, which he and such friends as he might be disposed to consult, might deem most eligible;" and that he had previously resolved to receive him into his family. These expressions of his desire to give to the son of his friend the proper countenance were warmly repeated in other letters, in which, Washington observed to Hamilton, that, "supposing that

whatever you decide on will be for the best, I shall acquiesce therein."

In reply to the last letter, Hamilton informed the President, that young La Fayette was then with him, and that he should send him to him on a short visit. The considerations which had previously influenced him induced him to change his purpose, which was not carried into effect until the final action of Congress in relation to the British Treaty rendered any further caution unnecessary.

Other topics were embraced in this correspondence with the President. The intercepted letter of Fauchet had been transmitted to Hamilton with a request that he would revise the translation of it. Randolph, in the mean time, had written to the President requesting a copy of a letter which Washington had addressed to him. To excite suspicion in the public mind, an extract from the letter demanding this copy, was published in the opposition Journals. This was followed by a preface announcing his forthcoming vindication.

Hamilton replied to the President on the sixteenth of October.

"I have seen the intercepted letter, which I presume led to his" (Mr. Randolph's) "resignation. I read it with regret, but without much surprise—for I never had confidence in Mr. Randolph; and I thought there were very suspicious appearances about him on the occasion to which the letter particularly refers.

"I perceive, that, rendered desperate himself, he meditates as much mischief as he can. The letter he calls for, I presume, is that above alluded to. His object is, if he obtains it, to prejudice others. If any part is kept back, to derive advantage to his cause, from the idea, that there may be something reserved which would tend to his exculpation; and to produce suspicion, that there is something which you are interested to keep from the light. Though from the state of public prejudices, I shall probably for one be a sufferer by the publication;

yet upon the whole, I incline to the opinion that it is most advisable, though not without hesitation." He added, "I am the more inclined to this opinion, as I presume, that the subject being in part before the public, the whole letter will finally come out through the quarter by which it was written, and then it would have additional weight to produce ill impressions."

In a subsequent letter he observed, "The more I have reflected, the more I am of opinion that it is advisable the whole should speedily appear."

The President informed Hamilton, that the paper alluded to was a letter of his own to Randolph, that he did not hesitate a moment to furnish it; and "to authorize him to publish every private letter he ever wrote and every word he ever uttered to him, if *he* thought they would contribute to his vindication." He expressed surprise that the promulgation of the "Vindication" was so long delayed; as the letter, the want of which Randolph assigned as the cause of it, had been transmitted to him immediately.

This delay may be ascribed to various motives. The intercepted despatch not having been disclosed by the President, Randolph might have supposed, that to avoid his threatened exposure it would be entirely suppressed; or he may have hoped that his former intimacy still swayed the mind of Washington. Should a publication become unavoidable, it was important to defer it until information could be obtained from France, whether any of the previous despatches had been intercepted.

If deferred until Congress were assembled, it would sooner pass from the public mind amid the agitation respecting the treaty; and some expectation might have been indulged, that his publication would influence the action of the House of Representatives, in which the Democratic party had a majority.

A violent ferment was now discovered among the leaders of that party. The sudden dismissal from office of so distinguished a partisan could not but excite their alarms. Had a total revolution in the sentiments of Washington taken place? Was he permanently alienated from them? If so, they well knew this change must have proceeded from high considerations. When the cause was known, their alarms were increased. How far had the corrupt intercourse with France been disclosed? Which of them did it involve? So determined a measure would awaken the suspicions of the nation. Upon whom would those suspicions fall? All was perplexity, apprehension, astonishment. At last, Fauchet's certificate was confidentially circulated by Randolph, a certificate prepared at his request to invalidate a confidential despatch. New and increased anxieties arose. What were the contents of the intercepted despatch he had so labored to explain? Frequent consultations were had; and it was at last resolved, to withhold the documents from the public, as long as might be practicable; and in the mean time to resort to the same expedient which had been so successfully employed on a former trying occasion. When Hamilton was writing his exposure of Jefferson, an inquiry was instituted as to the official conduct of Jefferson's adversary; and thus, attention was diverted, and the public indignation evaded. Washington, they resolved, must now be assailed; the weight of his character be lessened by exciting against him degrading suspicions. He must be placed before the nation as a culprit.

To prepare the public mind, it was published, "that Jefferson and Randolph had resigned to stem the tide of corruption"! Reports were circulated, that the retirement of Randolph was owing to the artifices of a "British Faction," and when it became known that he had asked

money of the French Minister—it was stated that the object of that request was to detect the authors of a conspiracy to destroy him and Governor Clinton; and to ruin France.

Early in the year, a publication had appeared, as stated, over the signature of "A Calm Observer," repeating the charges of Madison's pamphlet, that the friends of the administration would have established a large standing army.—From a comparison of this paper with his "Vindication," it appears to have been from the pen of Randolph, thus calumniating the administration of which he was a member. This "Calm Observer" now reappeared, making an atrocious charge against the President. Its authors were believed to be Randolph, and Beckley, Clerk of the House of Representatives,—long the servile tool of Jefferson. It accused Washington of a breach of his oath and of his duty; of a lawless violation and abuse of the legislative precautions to guard the chastity of the public treasure; of exalting himself above the law, and with impunity disregarding those high restraints which the people had ordained; of having drawn from the Treasury more than his salary; of *peculation!* Comparing his profession, that he would not receive a salary, with this imputed act, it was asked—"Will not the world be led to conclude that the mask of political hypocrisy has been alike worn by a Cæsar, a Cromwell, and a Washington?"

The basis of this charge was, that the President's salary was by the Constitution not to be increased during his term of office; that by an act of Congress his compensation was fixed at the rate of twenty-five thousand dollars per annum for his *services*, to be paid *quarterly;* that an annual appropriation of this sum was made, and no more; and that the act constituting the Treasury department required of the Secretary and the Comptroller,

that all warrants to be issued should be in pursuance of appropriations by law; that, in disregard of these solemn precautions, excesses had been drawn in different years by the President beyond his annual salary; that, at the expiration of his first term, one thousand dollars more than his four years' compensation had been drawn; and that during the first quarter of his second term, this excess amounted to nearly five thousand dollars.

Wolcott, the Secretary of the Treasury, gave a brief reply; that the moneys had been drawn by his private Secretary without the particular knowledge of the President, though by his general authority, and had been solely applied to defraying the expenses of his Household, of which there was a regular account; that no money had been at any time advanced for which there was not an existing appropriation; and that the estimates containing specific sums for the compensation of the President had been presented to Congress; had been sanctioned by them; and had not been exceeded. The charge was nevertheless pursued and insisted upon with increased acrimony; and held up, as a sufficient ground of an impeachment.

On the first appearance of this publication, Hamilton wrote to the President, announcing his intention to answer these charges in *his own name;* and on receiving from the Treasury the requisite Documents, he published* an "Explanation," which was a little delayed by much occupation and imperfect health.

He declared his conviction, "that there existed in this Country an unprincipled and daring combination under the influence of sinister aims to obstruct by any means *which shall be necessary*, and can be *commanded, not short even of force*, the due and efficient administration

* Nov. 11th, 1795.

of the present Government; to make our most important national interests subservient to the views of a foreign power; and as means to these ends, to destroy by calumny and misrepresentation the confidence of the people in the truly virtuous men of the Country; and to transfer it with the power of the State, to ambitious, intriguing and hypocritical pretenders to extraordinary merit and patriotism. That this combination, in the belief that the well-earned esteem and attachment of his fellow-citizens towards the President was the principal remaining obstacle to the execution of their plan, were making the most strenuous and systematic efforts to extinguish those sentiments in the breasts of the people.

"This conviction," Hamilton remarked, "had induced him to depart from his general rule of conduct, and to submit an explanation in his own name. He stated it to be the uniform practice of the Department to issue no money but for an *object* for which a law had been passed, making an *appropriation* and designating the *fund* from which the money was to arise. But there being such a law, and such a fund, disbursements had been made *before* as an *advance*, and after the service had been rendered as a *payment*. Such anticipations were by a full illustration shown to be absolutely necessary to the conduct of affairs. It was a matter of sound discretion, and authorized by the Constitution,* the object of which was to secure these ends, that the *purpose*, the *limit* and the *fund* of every expenditure should be ascertained by a previous law. That the acts of appropriation sanctioned this construction, and that an *advance* is as constitutional as a *payment*. That it rested not in the arbitrary, but in the sound discretion of the Department.

"The clause of the Constitution on which the charge was founded merely intended, that the President should receive a periodical compensation not to be increased or diminished during his term; in order to guard his independence, from legislative control.

"An advance could not be construed as an additional allowance. The law fixing *quarterly* payments was intended to declare when the right of this officer became absolute, not to enjoin a precise day of payment, which would be impracticable."

A practice of anticipations for the payment of Con-

* Art. 1, 9 Sec.

gress was referred to which had been sanctioned by that body.

A detailed statement of the account was then given. From this, four results were deduced; that the sums advanced for the use of the President had never exceeded previous appropriations, though they had sometimes exceeded and sometimes been less than the sums actually due for services. That the Treasury had never been in advance beyond the sums accrued and due to the amount of one quarter's salary. That there was on the first of October, seventeen hundred ninety-five, a sum due to him exceeding all previous advances; and that the sums advanced prior to his second term fell short of the sums appropriated and due. If the term commenced on the fourth March, eighty-nine, there was a considerable balance due him. If on the thirtieth of April, which he considered the true construction, there had been an excess. The procedure in this instance had been analogous to the general course of the Treasury. Unless it were just to compel the President to borrow to defray his reasonable public expenses, it was in the exercise of a proper discretion. The legality and propriety of these advances had been submitted for his consideration, and deliberately approved by himself. The evidence of these acts had been before the Legislature and acquiesced in by it. There had been no attempt at mystery or concealment. "Hard," he observed at the close of this explanation,—"Hard would be the condition of public officers, if even a misconstruction of constitutional and legal provisions, attended with no symptom of criminal motive, carrying the proof of innocence in the openness, and publicity of conduct, could justly expose them to the odious charges which on this occasion are preferred. Harder still would be their condition, if, in the management of the great and

complicated business of a nation, the fact of misconstruction which is to constitute their guilt is to be decided by the narrow rules of criticism, no less pedantic than malevolent; preëminently hard, in such circumstances, was the lot of the man, who, called to the head of the most arduous department in the public administration, in a new government, without the guide of antecedent practice and precedent, had to trace out his own path; and to adjust for himself the import and bearings of delicate and important provisions in the Constitution and in the Laws."

"Reposing myself," he added, "on a consciousness which, in no possible situation, can fail to prove an invulnerable shield to my tranquillity, I leave to a candid public to pronounce the sentence which is due to an attempt, on such a foundation, to erect against the President of the United States, my successor in office, and myself; the heinous charges, of, violation of the Constitution, violation of the laws, exertion of arbitrary will; on the one side, abject submission; on the other misapplication of the public money; and to complete the enormous group, intentional *perjury*."

Resolved that these masked attacks should cease, a letter was addressed to Randolph through the press, demanding the publication of his "Vindication," and intimating that the intercepted despatch would, if longer withheld by him, be divulged. There was no escape. The "Vindication," which had been some time previously printed, was at last made public with an apology for the long delay.

Immediately after his dismissal from office, Randolph wrote to the President, requesting a copy of the intercepted letter marked "Despatch No. 10," asking continued secrecy under his injunction until an inquiry could be made; solemnly denying the overtures imputed to

him, or that any money had ever been received, or was destined by him to any purpose relative to the Insurrection; and inquiring whether "Despatch No. 6," referred to in the intercepted letter, was in his possession. The President acceded to his request, that secrecy should be observed, unless an explanation should be necessary on the part of the Government, and informed him that "Despatch No. 6" had not been seen by him.

Relying on his relations with Fauchet, Randolph hastened to Newport, where this late Minister was on the eve of embarkation. Two interviews took place, in which Fauchet promised Randolph to give him a certificate as to the communications which had passed between them. Fauchet then embarked, leaving a note informing Randolph, that he had transmitted to his successor, Adet, the package destined for him. This package contained a certificate affirming that he had not suspected him of the most distant corruption—that he had not received money; but giving weak and evasive explanations of the extraordinary intercourse which had existed between them.

Randolph repaired to Philadelphia, and obtained a certified copy of this Certificate. To use it or not was the question. Before this could be done with safety, it was important to ascertain whether the previous despatches referred to in the intercepted letter were in the possession of or accessible to the Cabinet. To be informed of this, Randolph again wrote to the President,* inquiring when the intercepted letter had been obtained by Lord Grenville; when it was received by Hammond, and whether he had yet seen "Nos. 3 and 6?" The President informed him, that he knew nothing as to the subject of these inquiries; that he had not seen those pa-

* Sept. 21, 1795.

pers, and possessed no other documents. As Wolcott had been the channel of information from Hammond, *he* might have knowledge not disclosed to the President. Like inquiries were therefore made of him, and also, whether there was "any other paper in or out of cipher connected with this affair." The answer of Wolcott was similar to that of the President.

Uncertain, yet hoping, that no exposure would be made; Randolph obtained from Adet, papers purporting to be extracts from the "Despatches Nos. 3 and 6," with his certificate to that effect; and also that Fauchet had represented him to the French Government on all occasions as "an honest man." * He proceeded to prepare his "Vindication."

* Edmund Randolph to Monroe, Sept. 18, 1794: "My anxiety to hear from you is multiplied tenfold by my knowledge that all the sentiments of Mr. Fauchet were deposited in the memory of Mr. Le Blanc and not committed to writing. That which could not be hazarded upon the possibility of detection must be of an important cast. One thing only is certain, that he supposes a British tendency to prevail in some members of our government, and that the supposition is a copious theme with him. You are possessed of all the means of confronting this idea. *You know how Mr. Jay is restricted.* And I must acknowledge to you, that, notwithstanding all the pompous expectations of compensation to the Merchants, the prospect of it is in my judgment illusory; and I do not entertain the most distant hope of the surrender of the Western Posts. Thus the old exasperations continue, and new ones are daily added. Judge then how indispensable it is, that you should keep the French in good humor with us."

CHAPTER CXXII.

THIS attempted "Vindication" contained copies of the certificate of Fauchet, of the intercepted letter,* and of the "Extracts," with comments. The principal object of these comments was to induce the belief, that the President had been undecided as to the Treaty, and that this intercepted letter had been artfully used at an opportune moment by a British faction, which had sacrificed him, in order to influence the President to ratify that instrument. It contained an insulting letter to Washington, divulging confidential communications; charging him with duplicity and indecision; and representing him, in much detail, as the mere organ of Hamilton's predominating mind.

Its disclosures cast a strong light on the designs and measures of the Democratic party, and amount to a confession of the principal charge which caused Randolph's dismission in disgrace. It fully explains Jefferson's confidential intimation, that the station he had filled was "infinitely too important for his *circumstances*."

The intercepted letter bore date on the thirty-first of October, seventeen hundred ninety-four. It traced the progress of parties in the United States down to the period of the Western Insurrection, and showed a familiar knowledge of the leaders of the Democracy and of their

* Edmund Randolph to Monroe, Sept. 18th, 1794.

designs. Referring to the primitive division of parties, Fauchet described the friends of the Union and Constitution,—as Constitutionalists, under the name of "Federalists;" their opponents as those who "wished to preserve the former system," as—"Anti-Federalists." He stated, that the Federalists had become "Aristocrats." Jefferson had thus designated them to Genet. That the Anti-Federalists, on the adoption of the Constitution, from "malcontents" became "enemies to the whole system of the Government;" and that when the Republican revolution of France occurred, they disembarrassed themselves of the insignificant denomination of "Anti-Federalists," and assumed that of "PATRIOTS and Republicans." They attacked Hamilton, "denounced his operations and plans," "obtained a solemn inquiry which proved abortive; and emboldened him by this triumph to announce the approaching triumph of his principles." That popular societies were formed, "a concert of declarations and censures against the Government arises, at which, it is itself astonished." They arraign "its imbecility towards Great Britain,"—its "coldness towards the French Republic," the system of finance; the alarming power of the influence it procures to a man whose principles are regarded as dangerous; his preponderance in public measures; "his *immoral* and impolitic modes of taxation." That a Revolution or Civil War "was presaged—*that the* FIRST WAS IN TRAIN!" That the Government foresaw it, and their precautions produced the "precipitate eruption" of the Western Insurgents, which had caused the *general explosion* for some time prepared in the public mind to miscarry, or at least checked it for a long time.*—"Doubt-

* "Am I not," wrote Fauchet, "authorized in forming this conjecture, from the conversation which the Secretary of State had with me, and Le

less," the despatch states, "the natural consequences from a conduct so decisive and harsh were expected; and before these were manifested, the means of repression had been prepared; this was undoubtedly what Mr Randolph meant in telling me, that, under pretext of giving energy to the government, it was intended to introduce absolute power, and to mislead the President into paths which would conduct him into unpopularity." As evidence of this motive, the asserted disproportion between the force used and the object of its employment was adduced. Hamilton is charged with having excited alarm "for the fate of the Constitution, while it in reality threatened only the ministers." That at the moment when the Government was consulting how to suppress the Insurrection, Randolph, (who was "at the head of men, of Mifflin the Governor of Pennsylvnia," whose duty it was to appear at the head of the requisitions, and of Dallas, its Secretary of State, who "possessed great influence in the popular society of Philadelphia, which in its turn influenced those of other States," and who, "of course *merited attention*, of these men, who were balancing to decide upon their party;) came to see him, and made the *overtures* mentioned in his "Despatch No. 6."

The nature of these overtures may be inferred from his comment. "Thus, *with some thousands of dollars*, the Republic (of France) could have decided on *Civil War* or on Peace." "Thus, the consciences of the pretended *patriots* of America have already their *tariff!!*" "It is very true," he added, "that the *certainty* of these conclusions, *painful* to be drawn, *will for ever exist* in our archives!! What will be the old age of the Government,

Blanc alone, (his Secretary,) an account of which you have in my Despatch No. 8?"

if it is thus early decrepit?" This depravity he imputed to the fiscal system!!

It is curious to remark the manner in which he speaks of certain "*good patriots*" who remained *true to the French Republic*, notwithstanding what had occurred.—"Patriots of whom he delighted to entertain an idea worthy of that imposing title." "Consult MONROE, he is of this number! *He* had *apprised me* of the men whom the current of events had dragged along, as bodies devoid of weight. His friend MADISON is also an *honest man* *—, JEFFERSON, on whom the *Patriots* cast their eyes to *succeed* the *President*, had *foreseen these crises*. He *prudently* retired, in order to avoid making a figure, *against his inclination*, in scenes, *the secret* of which will, soon or late, be brought to *light*." After these meaning commendations, the subsequent conduct of the pretended patriots is thus solved. "As soon," he adds, "as it was decided that the French Republic *purchased no men* to do their duty, there were to be seen individuals, about whose conduct the Government could at least form *uneasy conjectures*, giving themselves up with a scandalous ostentation to its views, and even seconding its declarations."

The extracts from the previous despatches, though intended to weaken the force of this despatch, only confirmed it. What was Fauchet's opinion of these procedures? It will be observed, that these overtures are called by him "precious confessions." That they "were of a nature not to be disclosed to his colleagues," who had "a known partiality for the government." That they related to things which the government of the United States "did not know;" to things which it was important to conceal from "the chiefs" of the Administration. Is

* "Un honéte homme."

there a government on earth where such *confessions* would not be regarded as a ministerial crime, of the first class; especially, when these overtures, according to the impression of Fauchet, led "to a general explosion, a long time prepared?"

These "confessions" passed to "overtures," and these "overtures" were such as Fauchet was "bound to disclose to his Government." Were they made by the order of the President? Were they made with his permission? Overtures which were nothing else, but propositions of corruption. Propositions from which, he drew the direct consequence, that "for some thousands of dollars received from the Treasury of France, France could have decided "on a Civil War," or "on the Peace" of this Country. "Overtures of pretended patriots" "whose venal consciences had already a Tariff." Overtures of patriots who had an influence "in the popular Societies," and who exerted that influence "in concert," to calumniate their opponents as "Aristocrats," with Hamilton at their head;—of "patriots" who were *balancing* as to the question whether they should plunge the Country into a Civil War, of which foreign corruption was to be the means; and, who, only decided for peace, when they found Fauchet deaf to these base overtures,—"that the FRENCH MINISTER WOULD NOT PURCHASE MEN, TO DO THEIR DUTY." The object a civil war.—The means—corruption.—The Secretary of State the instrument and object of that corruption!

Having commented on Fauchet's countenancing the Democratic Societies, after the President had denounced them, Hamilton remarked, "the hostility of the views of this Minister is palpable in that intercepted letter of his which unveils the *treachery* of Randolph. We there learn that he pretended to think, it was a *duty* of patriot-

ism to second the Western Insurrection; that he knew and approved of a conspiracy which was destined to overthrow the administration of our Government, even by the most irregular means;"—a conspiracy which extended from the extremest limits of Pennsylvania down to the very suburbs of the then capital of this Republic.

This intercepted letter is pregnant with contempt for the very men whom Fauchet sarcastically pronounced "*honest*," indicating them, as persons peculiarly worthy the confidence of France—Monroe—Madison—Jefferson. Yet, prior to his departure from the United States, Fauchet avowed his disappointment in the partisans on whom he had counted. He stated, that "on his return to France, he must advise his Constituents, that he had been deceived; that he has found none but men of no information, of small fortunes and influence, were on the side of France; that the men of influence and those near the President were honest, and especially Mr. Hamilton;—that he was candid and undisguised, and for strictly supporting our neutrality, but that Randolph was a deceiver, and *had already deceived him*." *

Of this "Vindication," which shocked the public sentiment of the country, Jefferson remarks,† "His narrative is so straight, and plain, that even those who did not know him will acquit him of the charge of bribery. Those who knew him had done it from the first." Of these disclosures fixing so deep a stain upon the American character, he said, "It has been a great treat to me, as it is a continuation of that cabinet history, with the former part of which I was intimate." "In his eyes," Randolph's

* Administration of Washington and Adams, i. 297.

† Jefferson to Giles, Dec. 31, 1795. Jefferson's Works, iv. 125.

chief fault was "*an anxiety to trim.*" A grievous evidence of Randolph's turpitude was subsequently made known, in the fact, that he was a public defaulter!*

Of the spirit and purpose with which this volume was prepared, and of the dispositions which existed in the minds of the Virginia leaders towards the President, a letter from Randolph to Madison of this period† gives evidence. "I feel happy, at my emancipation from an attachment to a man, who has practised upon me the *profound hypocrisy of Tiberius*, and the injustice of an *assassin.* If he does not repent it, it must be because he is insensible by even the most pointed facts."

His misrepresentations did excite extreme indignation in Washington's breast.‡ He wrote to Hamilton,—"Ere this§ I presume you have seen the long promised Vindication or rather accusation. What do you think of it, and what notice should be taken of it? You are fully acquainted with my sentiments relative to the rival and warring powers of France and England; and have heard as strong sentiments from me with regard to both as ever he did. His declaration, that he was always opposed to the commercial part of the negotiation is as impudent and insolent an assertion, as it is false, if he means more than

* Gibbs, i. 280.

† Nov. 2, 1795. Randolph to Madison.

‡ Judge Ross, a Senator of the United States, who was his agent for certain lands in the interior of Pennsylvania, relates: "I called to breakfast with him in order to receive his instructions before he was interrupted on public business. Mrs. Washington was sitting in the parlor completely awe-stricken, and in the corner, Nelly Custis, her niece, cowering like a partridge. Vans Murray came in, and addressing himself to the President, asked him, 'If he had seen Randolph's book?' Washington replied in a voice, swelling with indignation, 'Yes, Sir; I have read every line, every letter of it, and a ******* scoundrel God Almighty never permitted to disgrace humanity.'"

§ Dec. 22d, 1795.

that it was contingent, (as the instructions to Mr. Jay declare,) and to apply the knowledge of it to me. But, if you have seen this performance, I shall leave you to judge of it without any comments of mine."

Hamilton, after speaking of his efforts to soothe young La Fayette, replied on the twenty-fourth of December—

"I have read, with care, Mr. Randolph's pamphlet. It does not surprise me. I consider it as amounting to *a confession of guilt;* and, I am persuaded, this will be the universal opinion. His attempts against you are viewed by all whom I have seen, as base. They will certainly fail of their aim, and will do good, rather than harm, to the public cause, and to yourself. It appears to me, that, by you, no notice can be or ought to be taken of the publication. It contains its own antidote. I perceive that Mr. Fauchet and with him Mr. Randolph have imputed to me the having asked to *accompany* you on the Western expedition.

"The true course of the fact was as follows: 'You had mentioned, and that early in the affair, *as a question for consideration*, the propriety and expediency of your going out with the militia. But no opinion had been given to you, and you had not announced *any determination* on the point, when my letter to you of the nineteenth of September was written. That letter does not ask to *accompany* you, but to be permitted to go on the expedition. A short time after, it was sent, you mentioned to me, that you had concluded to go as far as Carlisle in the first instance, and to take your ulterior determination according to circumstances, and proposed to me to accompany you.

"My request was independent of your going or not going. Its objects were—1st, that mentioned in my letter; 2dly, an anxious desire that being present, I might have it in my power, in a case *very interesting to my department*, as well as the government generally, to promote, in the event of your not going on the expedition, a course of conduct the best calculated to obviate impediments and secure its object. I had serious fears of treachery in Governor Mifflin, and I thought that even Lee might miss the policy of the case in some particulars, &c., &c. These were the considerations that determined me, and not the little cunning policy by which Mr. Fauchet supposes me to have been governed.

"I greatly miscalculate, if a strong and general current does not now set in favor of the government on the question of the treaty.—With true respect and attachment, I have the honor to be."

Washington had in the mean time sought a successor to Randolph. The persons to whom he offered this situation show the state of his mind. To Governor Johnson, of Maryland, he wrote—"No time more than the present ever required the aid of your abilities, nor of the old and proved talents of the country." To Cotesworth Pinckney, he remarked—"It is unnecessary for me to observe to you, that the affairs of this country are in a violent paroxysm, and that it is the duty of its old and uniform friends to assist in piloting the vessel in which we are all embarked, between the rocks of Scylla and Charybdis; for more pains were never taken, I believe, than, at this moment, to throw it upon one or the other; and to embroil us in the disputes of Europe."

He also addressed Patrick Henry. His language is very expressive.

"I persuade myself, Sir, it has not escaped your observation, that a crisis is approaching, that must, if it cannot be arrested, soon decide, whether order and good government shall be preserved, or anarchy and confusion ensue. I can most religiously aver, I have no wish, that is incompatible with the dignity, happiness and true interests of the people of this country. My ardent desire is and my aim has been, as far as depended upon the executive department, to comply strictly with all our engagements, foreign and domestic; but to keep the United States free from political connections with every other country, to see them independent of all and under the influence of none. In a word, I want an *American* character, that the powers of Europe may be convinced we act for *ourselves* and not for others." Henry also declined the office.

The insidious attempts made in his "Vindication" by Randolph, to exhibit Washington before the public as too dependent upon Hamilton, and thus to excite his jealousy,

failed. After various, but unsuccessful, efforts to fill the department of State, the President, extremely embarrassed, again appealed to his friend for his advice. "I shall now," he wrote to Hamilton,* "touch upon a subject as unpleasant as the one I have just quitted. What am I to do for a Secretary of State? I ask frankly and with solicitude, and shall receive kindly any sentiments you may express on the occasion." That there might be no concealment and that the non-occupancy of the office until this time might be accounted for, he informed him that Paterson of New Jersey, Thomas Johnson of Maryland, Gen. Pinckney of South Carolina and Patrick Henry of Virginia, had, in the order they were mentioned, been applied to and had refused. That John Marshall had declined the office of Attorney-General, Bradford having recently died; and that Col. Carrington would not accept the War Department. The President then submitted to his consideration various names which were commented upon with freedom, asking him to be as diffusive as he could with respect to others; adding, "I will decide on nothing until I hear from you, pressing as the case is." "What with the non-acceptances of some, the known dereliction of those who are most fit, the exceptionable drawbacks from others, and a wish (if it were practicable,) to make a geographical distribution of the *great* offices of the administration, I find the selection of proper characters an arduous duty."

A full reply was given, embracing a nice delineation of the characters of the several individuals who were named. From the objection to expose themselves "to the foul and venomous shafts of calumny, which are continually shot by an odious conspiracy against virtue," Hamilton stated, that, "in fact, a first-rate character is

* Oct. 29, 1795.

not attainable; a second-rate must be taken with good dispositions and barely decent qualifications. I wish I could throw more light. 'Tis a sad omen for the Government."

No more decisive evidence can be given of Washington's utter distrust of the Democratic party than the selections sought to be made by him for the high offices of the government.

Unwilling to embarrass himself with men incompetent to the station, Colonel Pickering was transferred by the President, to the Department of State, yielding to his wishes in a manner highly honorable to himself. James McHenry was nominated Secretary at War, and Charles Lee of Virginia, Attorney General.

The opposition had thus succeeded in depriving Washington of the aid of those whom he would have preferred to sustain his administration. They were now active in exciting the popular jealousies against him. A petition to the House of Representatives was extensively circulated, calling upon that body to defeat the provisions of the Treaty with England, as tending to infringe the treaty of alliance with France, and to involve the two republics in war; and as containing "direct and manifest encroachments on the Constitutional powers of Congress, and the rights of the people, by the exercise of an *assumed* power on the part of the President and Senate."

For a similar object, a petition, a copy of which was inclosed by the President to Hamilton, was presented to the Virginia Assembly. In that body, a Resolution was adopted approving of the conduct of her Senators in opposing the Treaty. An amendment, ably supported by Marshall,* "that the powers of the General and the State

* Jefferson writes, Nov. 26, 1795: "Though Marshall will be able to embarrass the Republican party in the Assembly a good deal, yet upon the

Governments were and should remain separate and distinct; that they had full confidence in the public servants in each branch of the General Government; and that a discussion of the Treaty by that Assembly was unnecessary and ought to be avoided," was rejected by an immense majority. A vote of approbation of the President was rejected; then modified so as to declare, that they did not intend to *censure him!* *

A vote of hostility to the treaty was at the same time rejected by North Carolina; and an approving vote was passed almost unanimously by Maryland.

Virginia, resolute, if possible, to defeat the execution of the Treaty, soon after instructed her Senators to obtain an amendment of the Constitution, declaring that no stipulation in a treaty on the subject of the powers vested in Congress by the eighth section of the first article shall become the supreme law of the land, until it shall have been approved by a majority of the House of Representatives; and that it shall be submitted to that House before

whole, his having gone into it (the legislature) will be of service. He has hitherto been able to do more mischief under the mask of republicanism, than he will be able to do after throwing it plainly off. His lax lounging manners have made him popular with the bulk of the people of Richmond, and *a profound hypocrisy* with many thinking men in our Country, but having come forth in the plenitude of his English principles, the latter will see, it is high time to make him known. * * * * I observe an expression in Randolph's printed secret intimating that the President, though an honest man himself, may be circumvented by snares and artifices, and is in fact surrounded by men who wish to clothe the Executive with more than Constitutional powers. This when public will make great impression. It is not only a truth, but a truth levelled to every capacity, and will justify to themselves, the most zealous votaries, for ceasing to repose the unlimited confidence they have done in the measures which have been pursued."

* Madison to Monroe, 1795: "Virginia passed a resolution so worded as to acquit the President of all evil intention, but at the same time silently censuring his error." It "passed by a majority of 33; i. e., 89 to 56."

its ratification; that a tribunal, other than the Senate, be instituted for the trial of impeachments; and that the Senate shall be eligible only for three years, to be divided into three classes, each class to vacate at the expiration of each successive year; and that no Judge of the United States shall be capable of holding at the same time any other office or appointment. The first resolution passed by a two-thirds vote.—A similar vote was about the same time given, rejecting a bill which rendered lands liable to execution for debt, though strenuously urged by Marshall and by Lee.

At the same moment, Washington was charged by a tool of Jefferson with aspirations to a throne.*

Under the influence of Governor Shelby an effort was made to obtain from Kentucky, a legislative censure of the Treaty. The more popular branch were in favor of the Governor's views; the Senate were unwilling to commit themselves. Similar efforts failed in South Carolina and in Delaware. Samuel Adams, the Governor of Massachusetts, pronounced the treaty, "pregnant with evil;" but more sober counsels governed her Legislature. Rhode Island approved it.

Hamilton's agency in the Government after his retirement was not confined to its foreign relations. He also was consulted as to its fiscal operations.

* "We have given him the powers and prerogatives of a King. He holds levees like a King; receives congratulations on his birthday like a King; receives ambassadors like a King; makes treaties like a King; answers petitions like a King; employs his old enemies like a King; shuts himself up like a King; shuts up other people (the insurgents) like a King; takes advice of his counsellors or follows his own opinion like a King; rules the forms of the Constitution to put off an old attorney or make a new one like a King; he swallows adulation like a King, and vomits offensive truths in your face. His *wishes* (through the Treaty) will be gratified with hereditary monarchy and a House of Lords." Jersey Chronicle, article by P. Freneau (Jefferson's former clerk,) Argus, Dec. 26.

Feeling the difficulty and embarrassment of making remittances to Amsterdam, a short time before he retired from the Cabinet, he had caused an amount of six per cent. stock to be purchased and remitted to London, there to be disposed of as the American Bankers in Holland should advise, expressing his wish that it should net par for principal and interest to the time of sale. If this could not be done, he preferred, if practicable, that the instalment of a million of principal should be postponed by a new loan, selling stock sufficient to discharge the interest. By this arrangement the public credit was supported in Europe.

The embarrassments in fulfilling the foreign engagements having increased, Hamilton wrote the Secretary of the Treasury at great length.

While he thought considerable sacrifices should be made to meet the foreign engagements, he pronounced the opinion entertained by some, that it was more important to maintain our credit abroad than at home, false. "The latter," he observed, "is far the most important nursery of resources, and consequently far the most important to be inviolably maintained."

To remit specie to pay the interest in Holland, he considered out of the question, as deranging every thing; but advised, in case a plan he proposed should fail, the shipment of commodities. This plan contemplated an arrangement with the constituted authorities of Holland or France, preferring Holland, to draw on the Treasury of the United States, for the sums to be paid, with which they could purchase here the commodities they might want.

But as assignats might be the general currency there, specie being unattainable, he suggested, that the creditors must be indemnified by allowing an equivalent for the

depreciation. Or commodities, might be shipped to England to be sold there, and made the basis of a credit. If this were not accomplished, then he advised, that stock be sold at any price to pay the interest.

As a mean of meeting any press on the Treasury, that foreign events might create, he proposed the expedient of issuing warrants upon the Treasurer payable at future periods, which with loans from the Banks, would provide for any deficiency for the current service. He also earnestly urged, that the exchange of the foreign into domestic debt ought to be facilitated, believing that the moment was peculiarly propitious, and gave hints of a plan to be conducted by American Commissioners under the superintendence of the resident minister.

In a previous letter, after stating what he had done with respect to the Foreign debt, Wolcott propounded a series of questions as to the measures to be adopted in relation to the domestic debt; and also, as to his duty with regard to the vested and appropriated funds; whether the Bank should be the organ of sale of the public stock; or a new loan should be obtained from it; and out of what fund, a loan of two millions from the Bank was to be paid? These inquiries were answered in part soon after they were made; and subsequently more fully.

Wolcott found himself engaged in a difficult task, chiefly owing, to the vast amount of American capital detained in France, a great part of which had been obtained on credit; to the interruptions of commerce with other nations; to the impediments in the collection of the internal Revenue; to the increase of State Banks, which, he observed, "are multiplying like mushrooms;" giving rise to illusory projects and excessive speculations, and inducing frequent fluctuations in the value of money and of commodities.

Thus embarrassed, he wrote to his predecessor, and said, "I do not clearly see how the affairs of the Treasury are to be managed." Hamilton replied:* "What you say respecting your own department, disquiets me; for, I think, we shall, for the present, weather all storms, but those arising from real deficiencies in our public engagements. Not knowing details, I can attempt to suggest nothing, except this general observation, that if the means heretofore provided, are, seriously, likely to prove inadequate, Congress ought to be explicitly told so, in order to a further provision. *It was a maxim in my mind, that Executive arrangements should not fail for want of full disclosure to the Legislature.* Then, if adequate provision be not made, the responsibility is theirs. The worst evil we can struggle with is inefficiency in the measures of Government."

In the conduct of the finances there was no permanent, serious difficulty. The invasion of Holland and the creation of a new Republic under the influence of France closed the only large market for American Securities, and affected the value of money throughout the world. To this pervading cause of pecuniary embarrassment were superadded, in the United States, the obstruction of the returns of commercial enterprise and the capture of American property by the warring powers.

Hamilton had not been inattentive to these contingencies. To guard against them, he urged, prior to his retirement from office, the conversion of the foreign loans into a new domestic loan; thus to supersede the necessity of providing for the payment of interest in Europe. But the halting counsels of Congress had stopped short of the measure he had proposed; that of making the

* October 8.

stock irredeemable until the year eighteen hundred eighteen, during which interval the disposable resources of the government were requisite to redeem the domestic loans. This extension of the duration of the debt would have given to it a value sufficient to command an immediate subscription to the whole amount of the contemplated loan. But the previous clamor, first suggested by Madison, against a permanent debt, was again raised; and, instead of Hamilton's proposition, the new stock was made redeemable at the pleasure of the government. Consequently, but a small part of it was taken in Holland. Though, thus maimed of its chief purpose, a signal benefit was derived from the authorization of the new loan. France availed herself of its terms. A final and amicable adjustment of the debt to her took place, and it was extinguished.

Meanwhile, the impulse which had been given to the industry of the nation was seen to produce its hoped effects. In every direction, its great energies were at work; and the revenues were rapidly and steadily increasing. The contributions from the internal revenue, owing to the resistance to its collection, alone disappointed the well-formed expectations of the author of the system.

Soon after, the Secretary of the Treasury propounded to Hamilton, an inquiry as to the "mode of proceedings under the seventh article of the late treaty with England." Hamilton gave an opinion, clearly showing, that the Commissioners under this article, were "competent to grant relief, in all cases of captures and condemnations of our property, during the present war, and antecedent to the treaty, which were *contrary to the laws of nations*, and in which there is *adequate evidence* (of which they are to judge bona fide,) that a compensation could not, at the time of the treaty, for *whatever reason*, be ac-

tually obtained. I think their power competent to relief, *after* a decision, *in the last resort;* that is, by the Lords Commissioners of Appeals; and, if the proper steps have been taken to ascertain that justice cannot be had, in the ordinary course of justice, before and without such decision." He suggested the course of proceeding which was adopted.*

In the President's letter to Hamilton consulting him as to the selection of persons to fill the members of his Cabinet, he also wrote to him,—"The period is approaching, indeed is already come, for selecting the proper subjects for my communications to Congress at the opening of the next session; and the manner of treating them merits more than the consideration of a moment. The crisis and the incomplete state, in which most of the important affairs of this country are at present, make the first more difficult, and the latter more delicate than usual."

Deeming an allusion to the treaty with Great Britain necessary, whether to advert to it, "in the concisest form or to accompany it with some expression of my sense of the thing itself, and the manner in which it has been treated," he thought, "merited deep reflection."

"If good," he observed, "would flow from the latter, by a just and temperate communication of my ideas to the community at large, through this medium; guarded so as not to add fuel to passions prepared to blaze, and at the same time so expressed, as not to excite the criticisms or animadversions of European powers, I would readily embrace it. But I would decidedly avoid every expression which could be construed into a dereliction of the powers of the President with the advice and consent of the Senate to make treaties: or into a shrinking from any act of mine relative to it. In a word, if a conciliatory plan

* It is stated—Life of Jay, i. 378—that, the compensation for spoliations made under this treaty, exceeded *ten millions of dollars.*

can be assimilated with a firm, manly, and dignified conduct in this business, it would be desirable; but the latter I will never yield." "Our negotiations with Spain," he said, "stand upon the same procrastinating, trifling and undignified, (as respects that Government,) and insulting as it relates to this country, ground as they did at the commencement of them; whether to express this sentiment and refer to the proceedings or reserve, after mentioning their inconclusive state, them for a future communication was the question."

From Morocco and Algiers no definitive information had been received. "Our concerns with the Indians will tell well." Whether the recent treaty with those of the West should be mentioned before it was sanctioned by the Senate, he thought "questionable," "and nothing, I am sure, that is so, and is susceptible of cavil or criticism will escape the anonymous writers if it should go unnoticed elsewhere. It will be denominated by these gentry, a bolster." Treaties were stated to have been renewed with the hostile Indians at the Southward. He thought it impolitic under the uncertainty of affairs to reduce the military establishment, but, "whether to express any opinion thereon or to leave it entirely to the decision of Congress may be considered." He inquired whether Reports from the Departments of the Treasury and War might not be proper, and to be referred to in the speech, and added, "Having desired the Secretary of State to note down every matter as it occurred proper either for the speech at the opening of the Session, or for messages afterwards, the enclosed paper contains every thing I could extract from that office. Aid me, I pray you, with your sentiments on these points, and such others as may have occurred to you, relative to my communications to Congress."

Subsequent intelligence induced him again to write—"Having since I wrote to you on the twenty-ninth ultimo

received more agreeable, though not conclusive, accounts from abroad, I pray you to suspend your superstructure until you receive a ground plan from me, which shall be in a few days, with better, or at least more ample materials." This was sent a few days after,* saying, "The papers herewith enclosed are so full, on the subject of my former request that nothing more remains than to refer to them for every information I can give, as to the groundwork of the superstructure you are to build."

Bad health and a pressure of avocations having delayed the performance of this request, Washington again† wrote to Hamilton. "If indisposition or business of a pressing nature should have prevented your looking into and making a digest of the papers I sent you, I pray you to return them to me by the first post after this letter is received. The meeting of Congress is near at hand, and there is good reason to expect a punctual attendance of the members. I should be extremely unwilling therefore to be unprepared for this event; and shall endeavor to work the materials (no copy of which I have by me,) into the best form I am able, so soon as I get them. If it is yet to do."

A few days after, Hamilton transmitted to him the speech.

Having adverted to the treaties recently concluded with the North-western Indians, and with the Southern tribes; with Morocco, Spain, and Great Britain, he observed: "This interesting summary of our affairs opens a wide field for consoling and gratifying reflections. If by prudence and moderation on every side, the extinguishment of all the causes of external discord which have heretofore menaced our tranquillity, on terms compatible

* Nov. 16. † Nov. 28.

with our National rights and honor, shall be the happy result, how firm and how precious a foundation will have been laid for accelerating, maturing, and establishing the prosperity of our country.

"Contemplating the internal situation, as well as the external relations of the United States, we discover equal cause for contentment and satisfaction. While many of the nations of Europe, with their American dependencies, have been involved in a contest unusually bloody, exhausting and calamitous, in which the evils of foreign war have been aggravated by domestic convulsion and insurrection; in which many of the arts most useful to society have been exposed to discouragement and decay; in which scarcity of subsistence has embittered other sufferings, while even the anticipations of a return of the blessings of peace and repose are alloyed by the sense of heavy and accumulating burthens, which press upon all the departments of industry, and threaten to clog the future springs of government, our favored country, happy in a striking contrast, has enjoyed general tranquillity,—a tranquillity,—the more satisfactory, because maintained at the expense of no duty.

"Faithful to ourselves, we have violated no obligations to others. Our agriculture, commerce, and manufactures prosper beyond former example. The molestations of our trade (to prevent the continuance of which, however, very pointed remonstrances have been made,) being overbalanced by the aggregate benefits which it derives from a neutral position. Our population advances with a celerity, which exceeding the most sanguine calculations, proportionally augments our strength and resources; and guarantees our future security. Every part of the Union displays indications of rapid and various improvement; and, with burthens so light as scarcely to be perceived,

with resources fully adequate to our present exigencies; with governments founded on the genuine principles of national liberty; and with mild and wholesome laws; is it too much to say, that our Country exhibits a spectacle of National happiness, never surpassed, if ever before equalled?

"Placed in a situation every way so auspicious, motives of commanding force impel us, with sincere acknowledgments to Heaven, and pure love to our Country, to unite our efforts to preserve, prolong and improve, our immense advantages. To co-operate with you in this desirable work, is a fervent and favorite wish of my heart."

The restoration of quiet and order to the recently insurgent counties of Pennsylvania was stated as having induced the pardon of the offenders. A review of the army establishment, and an improvement of the militia system are again urged, and the duty of making provisions to protect and secure justice to the Indians, is enforced. Further measures to accelerate the Redemption of the Debt, and to aid the operations of the Mint, are also suggested; and after a general allusion to the progress of the Naval and Harbor defences, the Speech closes with an admonition prompted by the recent violence of the opposition. "Temperate discussion of the important subjects, which may arise in the course of the Session, and mutual forbearance, where there is a difference of opinion, are too obvious and necessary for the peace, happiness, and welfare of our Country, to need any recommendation of mine."

CHAPTER CXXIII.

The fourth Congress assembled at Philadelphia on the seventh of December. In the House of Representatives the Democratic party had a large majority. The crisis was felt by them to be of the highest importance. Their policy had been definitely arranged in a conference at the residence of Jefferson, in the previous month of October, at which, it is stated, Aaron Burr was present.

There, it was resolved, to contest the Constitutional powers of the President and Senate, "to make treaties," and to arrogate a control of this power to the popular branch of the Government. The first result of that conference was shown in the choice of Speaker: Dayton, the personal friend of Burr, in the hope of making a diversion from the Federal ranks, was elected to that office.

In the Senate, the Administration maintained a decided ascendency. The President delivered the speech the following day.

The Address of the Senate, which fully approved the policy of the Cabinet, was warmly objected to by Mason, Tazewell, and Butler. They denied that the foreign relations of the Country wore the favorable aspect in which they had been presented; said the evils of the system were present—the good, prospective,—that the President

was not entitled to any thanks for his firmness; that it had not been evinced by a manly demand on England for restitution; not in the support of France, struggling to free herself from despotic shackles; but in resisting the unequivocal voice of his fellow-citizens urging him to reject the treaty with Great Britain.

Ellsworth, King and Read sustained the Address. It was passed by a majority of six votes. In the other House, the motion for an Address was opposed. Parker contended, that the President should simply be informed of their intention to give the speech due consideration. This proposal did not prevail. The Speech was referred to Madison, Sedgewick and Sitgreaves.

The draft was by agreement so shaped as to reserve all points intended to be discussed relative to the treaty. In the paragraph which declared, that "a secure foundation will be laid for accelerating, maturing, and establishing the prosperity of our country; if, by treaty and amicable negotiation, all those causes of external discord, which heretofore menaced our tranquillity, shall be extinguished on terms compatible with our national rights and honor," Madison insisted, as a condition of his concurrence, that the words should be added—"and with our Constitution, and great commercial interests."

This reservation, of which the purport is obvious, did not satisfy the opposition. The Address expressed "undiminished confidence" in the President. This was pronounced contrary to the fact. The public confidence, it was stated, had diminished. It was asserted, in contradiction, that his ratification of the treaty had produced a disclosure of enmities which prudence and policy had heretofore concealed, but had not shaken the well-founded reliance on his wisdom and integrity. His friends were defeated, this approving clause was rejected, and to pre-

vent a direct vote the Address was recommitted, and so framed as to avoid the objection which had been raised. It acknowledged "the very great share which his zealous and faithful services had contributed" to the national happiness, and an "affectionate attachment for his character." The President returned "thanks for their declaration, that to his agency, they ascribed the enjoyment of a great share of these blessings." This expression did not escape the malignant eye of Jefferson.* Contrasting it with the language of the House, he remarked, "The former keeps in view the co-operation of others towards the public good; the latter presents to view his sole agency."

The wounded feelings of Washington were in a measure soothed by a declaration of the Senate of Pennsylvania "of their unshaken confidence" in him, and by the Government of New Hampshire, which stigmatized the opposition to the treaty, and avowed their belief of the existence of designs to subvert the Constitution.

In obedience to a standing order, Wolcott, the Secretary of the Treasury, reported estimates of the necessary appropriations and of the revenue. He stated, that "the provisions made would be adequate to the annual reimbursement of the stock which could be legally discharged; to the payment of interest on the foreign and domestic debt; and to meet the demands for the current service; that temporary loans would be necessary in anticipation of the revenue; and that the instalments of the foreign and domestic debt falling due in the course of the year must be reloaned, or satisfied out of the proceeds of new revenues. That in pursuance of the proposition of his predecessor, the balance of the debt to France had been converted into funded domestic stock, and thus the con-

* Jefferson to Giles. Jefferson's Works, iii. 319.

tracts with that nation were discharged. That the Dutch debt could not in consequence of the war and revolution in Holland be reloaned; and, as funds must be remitted in payment, that the powers recently granted to the Commissioners of the Sinking Fund to borrow must be so modified as to authorize loans at a higher rate of interest, and a relinquishment of the right to redeem them at pleasure. An augmentation of the revenue was suggested as the necessary basis for such loans.

The Sinking Fund, he stated, had been actively applied to the purchase of the debt, as directed in the act passed in pursuance of Hamilton's last Report on "Public Credit."

The usual motion to refer the parts of the President's Speech relating to finance was postponed. It was resolved to carry into effect the long-cherished design of withdrawing from the Treasury Department, the duty of recommending plans for the improvement of the revenue. On motion of Gallatin, who, as seen, had been recently elected to the House of Representatives by two of the Insurgent counties of Pennsylvania, a Standing committee of "Ways and Means," consisting of a member from each State, was appointed.

To them all the Reports of the Treasury Department and all propositions relative to the revenue were to be referred; they were to inquire into the state of the debt; of the revenue, and of the expenditures; and to report their opinion thereon. Of this committee were Gallatin, Madison and Baldwin.

The great object was thus attained of securing to a Committee of the House, hostile to the Administration, the advantage of giving a direction to the mind of the nation, as to its fiscal interests; and of wresting from the Executive department the initiation of the measures, the

execution of which was imposed on it by the Constitution. At this time the motive was to impair the Executive influence, the consequences of this innovation, when a majority of that House should be partisans of the President, in giving to him an undue weight with the popular branch of the government, were either not foreseen, or wholly disregarded.

A few days after the appointment of this committee, a resolution was offered, the effect of which would have been the exclusion from the ports of the United States of all foreign vessels, unless laden with articles the product or manufacture of the country to which such vessels belonged.

On the same day, the Speaker announced that a Message was ready to be delivered, calculated to give the most pleasing satisfaction to every American heart. He suggested the propriety of not suffering the fervor of enthusiasm to infringe on the dignity of the Representative Councils of the United States, and recommended that a respectful silence should be observed, as most compatible with the true dignity of the House, and the honor of the magnanimous Republic that was the subject of the message.

The Secretary of the President was then introduced with an American Officer, bearing the standard of the French Republic sent by the "Committee of Public Safety" as a token of friendship to the United States. The Address of the Republic, that of their minister Adet, and the reply of the President were also laid before the House.

This standard was ordered to be deposited with the public archives, and a resolution expressive of the sentiments of the House was introduced by Giles. It directed the President to make known "to the representatives of the French people" their lively sensations; and to assure

them, that the presentation of the colors of France is deemed a most honorable testimony of the existing sympathy and affection of the two Republics founded upon their solid and reciprocal interests; that the House rejoices in the opportunity of congratulating the French Republic on the brilliant and glorious achievements accomplished under them during the present afflicting war; and that they "hope those achievements will be attended with a perfect attainment of their object, the permanent establishment of the liberty and happiness of that great and magnanimous people."

This dramatic scene had its origin in a presentation of colors by Monroe to the Directory, for the supposed purpose of preventing the conclusion of a treaty with England. Their presentation at this time was to prevent the enactment of the necessary laws to carry that treaty into effect.

The Federalists, humbled by the position in which this resolution placed the country, asked a day's delay. It was refused. Their leader moved to insert in it, for the phrase, "The representatives of the French people," that of "the Executive Directory of the French Republic." This motion was rejected. They then silently concurred, and it passed unanimously.

Hamilton deeply regretted the course that had been taken. It was his wish, when the President spoke in behalf of the nation, that he should speak as one raised by his station above all ordinary passions.

There was in this reply, an absence of that discretion which he had sought to establish as a precedent for the public papers of the Chief Magistrate of this Country, thus to give them the most impressive effect.

The substance was in his judgment more exceptionable. "The events of the French Revolution have pro-

duced the deepest solicitude as well as the highest admiration." * * "I rejoice, that the interesting revolutionary movements of so many years have issued in the formation of a Constitution designed to give *permanency* to the great object for which you have contended. I rejoice that liberty, which you have so long embraced with enthusiasm, liberty, of which you have been the *invincible defenders*, now finds an *asylum* in the bosom of a *regularly organized* government; a government which, being formed to secure the happiness of the French people, corresponds with the ardent wishes of my heart, while it gratifies the pride of every citizen of the United States by its resemblance to their own."

Such a reply to the Committee of Public Safety, of which the robber MERLIN was the instrument; "high admiration" of the "events" of a revolution which had brought France under the dominion of the atrocious monsters who had usurped the power and were sporting with the blood of her people;—"rejoicing, that liberty," of which they had been "the invincible defenders," had found "an asylum in the bosom of a regularly organized government," when instead of finding "an asylum," the name of liberty was disgraced, and its cause betrayed by the tyrants, whose flag, crowned with a golden pike, told of the crimes of their success; an annunciation of the resemblance of the Executive Directory of France to the Constitution of the United States! All this was language Hamilton wholly disapproved, nor did he less regret that this reply had placed the Federalists in a defile from which they could not extricate themselves with honor.

Not only did he disapprove and regret it, he was amazed, he was alarmed; as the manifest object of this procedure was to prepare the people to justify the contemplated invasion of the Constitution as to the Treaty

power. Either the President's prudence had been surprised, or his confidence abused.

The Committee of "Ways and Means" had, in the mean time, made a report approving the estimates of the Treasury Department. A discussion arose on the appropriation for the Mint. It was proposed to expunge it, in order to a previous inquiry as to the continuance of this establishment. This proposal was objected to by Sedgewick. He contended, that where the public faith is pledged by law for certain and specified objects, no discretion remains relative to its express provisions. If it was intended to destroy the Mint, the proper course was to repeal the law for its establishment. Gallatin, resenting the clemency to which he was so much indebted, rose to state a general principle, which he thought it of importance to lay down on this occasion, lest decision on the present question grounded on a different principle, should be brought forward on some future occasion — "the principle was, that this House had a right by withholding appropriations, when they see proper, *to stop the wheels of government.*"

This, he said, was to be inferred from the practice of annual appropriations, though it had been relinquished as to the provision for the interest on the public debt. Sedgewick cited several cases to show that though salaries of officers were annually voted, yet the Constitution left no discretion. The President's compensation could not be increased or diminished during his term of office. The salaries of the Judges were equally obligatory; no discretion as to the payment of them existed. The accounts of the Mint had passed the Treasury. They were a debt and must be paid. The motion was rejected.

Soon after the appointment of the "Committee of Ways and Means," a conference was held with it by the

Secretary of the Treasury, which was followed by a statement to the House of the debts of the United States, and of the sums annually requisite to discharge them. The Committee reported, in conformity with the suggestion of Wolcott, that the debt to the Bank of the United States should be discharged by opening a loan of five millions; as to the new revenue necessary to be created, they stated an inability to agree upon objects of indirect taxation, adequate to the public wants; but recommended an ad valorem duty of two per cent. on all testamentary dispositions, descents and successions in favor of or to collateral relatives; duties on stamps, and an addition of fifty per cent. to the carriage tax. To supply the remaining deficiency, the Secretary of the Treasury was directed to report at the next session a plan of direct taxation, adapted to the existing laws of the States, estimated to produce an annual income of two millions of dollars.

In the mean time, two other subjects were brought before the House,—the provision for a Navy; and the act regulating the Sales of the Public Lands. The former of these subjects had been referred to a Committee, from which a report adverse to the establishment of a Navy was anticipated.

The law creating this indispensable arm, it will be recollected, contained a section by which, if the Algerine War should cease, its operation was suspended. That a treaty had been concluded with Morocco and the probability of a peace with Algiers were assigned as the reasons for introducing resolutions, directing, though two of the frigates then on the stocks were to be completed, that the remaining materials of a perishable nature should be sold, the residue stored, and that the surplus appropriated for building the six frigates authorized at the previous session, should be added to the fund for reducing the debt.

The long postponement of the plan recommended by Hamilton for the sale of the public lands, when this resource was so much required, would excite surprise, if not viewed as part of the indiscriminate opposition to his measures which had been adopted as the systematic policy of his opponents.

Though Madison had early avowed to him his conviction that the "Western lands" were "a fund capable of aiding the redemption of the debt;" yet, when Hamilton sought to avail himself of this fund for this express purpose, the opposition, loud as were its clamors against the increase of the public burthens, is seen firmly arrayed against him. With his retirement from office this motive ceased, and a bill for the Sale of the public lands was now passed.

The questions which arose on the discussion of this bill chiefly related to the extent of the subdivisions and to the advantage of compact or sparse settlements, the Southern States foreseeing the consequences to their own peculiar institutions of a dense population hemming in their bounds. The act provided for surveys into townships of six miles square, and sections of six hundred and forty acres. The undivided townships were to be sold under the direction of the Secretary of the Treasury in quarter townships,—the sections and quarter sections under the direction of the Governor or Secretary of each Western territory and of the Surveyor-General; one moiety of the price to be paid within thirty days and one year's credit to be granted for the residue; a certificate to be given at the time of the purchase, and on full payment, a patent. The minimum price was fixed at two dollars per acre. The Government reserved to itself all mines, minerals and salt springs; and parcels were to be set off for the benefit of colleges and schools. During the progress of

this bill a clause was inserted, declaring, that the three and six per cent. stocks of the United States should be received in payment, but this clause was subsequently expunged. After some amendments in the Senate, the bill became a law.

The deviations from Hamilton's policy as to the disposition of these lands would seem to be condemned by subsequent legislation. In the year eighteen hundred, it was provided, that the unsold lands might be sold at private sale; the price per acre was still limited to two dollars, and a credit of four years given for equal instalments. An act of eighteen hundred and seventeen still retained the price at two dollars per acre. The quantity sold proved the error of this excessive valuation. Prior to eighteen hundred, only a million and a half acres were disposed of; and from that time within the term of fifteen years, less than six millions; a general land office being established * under the charge of a Commissioner subject to the Secretary of the Treasury, which was subsequently reorganized.†

To guard against speculation in so tempting a field, Hamilton had confided the trust of selling these lands to the joint action of three Commissioners. To tempt the settlement by creditors of the United States, and thus to extinguish their debts, he would have received the public securities in payment; neither of these provisions was made. To offer to the poorest citizen an asylum, he would have permitted a sale to any actual settler of any number of acres less than an hundred; while, to guard against the great evil of a population of insolvent debtors to the public treasury, he required cash payments for any quantity less than a township; and in order to hold

* April 25, 1812. † July 4, 1836.

the lands at a price within the compass of the most moderate means, he would have limited it to twenty cents per acre.

In eighteen hundred and twenty, Congress authorized sales in "half-quarter sections," reduced the price to one dollar and a quarter per acre, and put an end to the credit system; acts being passed both previously and subsequently for the relief of purchasers. Later legislation gives strong evidence of the change of opinion, approving Hamilton's views.

His policy in affixing to the public lands a low valuation, wise as it would seem to have been, did not proceed from a desire to force settlement. "No one," he observed, "has been more uniformly nor more entirely than myself, in the system of giving a free course to the population and settlement of our interior country and of securing to it, by the best efforts of the government, the enjoyment of those collateral advantages on which its prosperity must depend. This, in my opinion, is preferable as the most natural policy and as that which will best secure and cement the unity of the Empire. But with this policy adopted in the most unqualified manner, I am far from regarding it as wise to give or occasion any extraordinary impulse to a transfer of people from the settled to the unsettled parts of the country. This is to retard the progress in general improvement, and to impair for a considerable length of time the force of the nation by scattering too widely and too sparsely the elements of resource and strength. It is to weaken government by enlarging too rapidly the sphere of its action and by stretching out the links of connection between the different parts. The true politician will content himself by seeing new settlements formed by the current of a redundant population; he will submit, because it is unnatural, would be fruitless

and unwise to oppose even a greater transfer than the mere surplus by the attractions to emigration which new countries hold out; he will seek to tie the emigrants to the friends and brethren they have, by a kind and liberal conduct of the Government towards them, by efficacious protection and by sincere, persevering and energetic endeavors to obtain for them the free and full enjoyment of those rights and advantages which local situation requires. But he will not accelerate the transfer by accumulating artificial disadvantages on the already settled parts of the country; he will even endeavor to avoid this by removing such disadvantages if casual causes have produced them."

It was the determination of the leaders of the opposition not to act finally on any of the subjects submitted to their consideration by the President, until they had tried their strength upon a bill providing for the execution of the treaty with Great Britain.

The policy to be pursued in relation to it, had been marked out by Jefferson. He wrote to Monroe: "We don't know whether the President has signed it or not. If he has, 'tis much believed, the House of Representatives will oppose it as *Constitutionally* void, and thus bring on an embarrassing and *critical* state in our government." * A few days after, he writes to Tazewell, "I am not satisfied, we should not be better without treaties with any nation, but I am satisfied we should be better without such as this." † He repeats this idea; "I join with you, in thinking the treaty an execrable thing. * * I trust the popular branch of our Legislature will disapprove of it, and thus rid us of this infamous act, which is really nothing more than a treaty of alliance between

* Sept. 5, 1795. † Sept. 18, 1795.

England and the Anglo men of this country, against the Legislature and people of the United States." *

The ground assumed was novel and bold. It required all the excitements they could minister to bring the public mind to the requisite point, and all the vigor of party discipline to quiet the disturbing hesitations of its adherents.

With this view, memorials were presented to the House deprecating the treaty, and discussions were seen successively to arise in the Legislatures of the States, on the recent resolutions of Virginia. It was well known by the authors of those resolutions, that in neither of the modes prescribed by the Constitution the most remote probability existed of inducing its amendment. This knowledge, together with the fact that the Democratic party when in power made no effort to obtain such an amendment, is conclusive evidence that this was merely a party movement.

The object of these resolutions was to inspire doubts in the minds of the people, to kindle their alarms, to induce a conviction that the legitimate powers of those who were called their immediate representatives had been usurped. Thus these resolutions were regarded and treated by the Legislature of Massachusetts. The Governor, Samuel Adams, who had been indoctrinated in the wild theories of the French Revolution, would have gladly concurred with them. But he was met with too firm a resistance to venture far. Deeming the terms of the Constitution on this subject beyond the reach of casuistry, the Legislature of that State, by an immense majority, voted, that the Virginia resolutions should not be considered.

* To Edward Rutledge, Nov. 30, 1795. Jefferson's Works, iii. 317.

Hamilton had advised a similar course in the councils of New York, but, by the divergings of persons who sought popularity with both sides, an unnecessary debate was commenced on the proposition, in detail. It was soon terminated, and the Virginia resolutions were rejected by a decisive vote. A similar unwillingness to tamper with the Constitution was exhibited in Rhode Island and Delaware.

South Carolina, the State most deeply interested in the preservation of peace, under the influence of Charles Pinckney and John Rutledge, had joined the opposition, and was only surpassed in vehement clamor by the easily excited impetuosity of Georgia. This frontier State adopted a resolution, that the Constitution should be so amended as to give to the State Legislatures the power to recall their Senators. It seems, that she would have hailed the imbecility of the confederation as a blessing.

In the comments of "Cato," from the pen of Chancellor Livingston, a severe attack is seen to have been made upon Jay for his omitting to provide against the impressment, of American seamen. The difficulties which attended this subject were obvious to every considerate statesman! For that very reason, they furnished a pretext of imputation on the Administration of Washington. Earnest efforts to adopt an expedient by which the American mariner could enjoy the immunities to which he was entitled had been made. Those efforts had produced an assurance from Great Britain, that the impress was unauthorized, that it would not be permitted, that the seamen should be released.

Insufficient a security, as this pledge was, it was entirely valueless in the view of men who had declared that Government, so wholly faithless, that no treaty would bind her. This was a theme of a nature greatly to ex-

cite the people. It was an evil, the extent of which, it was difficult to ascertain, respecting which, there would always exist much exaggeration.

Edward Livingston, the brother of the Chancellor, called the attention of the House "to the situation," as he observed, "of a very important and meritorious class of men, whose value seemed to have been overlooked, and whose dearest rights were either shamefully neglected, or ignominiously surrendered." He charged the country with having regarded their sufferings with apathy and indifference; that a compact had been *begun* with their oppressors in which these unfortunate men looked in vain for one word of comfort in their misery; for one little article in the voluminous pages of the instrument that might offer a hope of recompense for their past sufferings, or security against future oppressions. "I blush," he said, "as an American to think that it was an American Minister who could be guilty of this disgraceful omission."

He proposed, that legislative provision for their relief be made; and that protection be furnished against future impresses. A vehement debate arose upon this proposition. Relief and protection, the friends of the Administration declared, they had always desired to secure, and would enter into any measures to provide. But they denied the charge of apathy to the sufferings of any class of citizens; pointed to the evidences of the solicitude the Cabinet had shown on this subject; questioned the extent of the evil, and commented on the unfairness with which a wish for information had been interpreted into a zealous opposition to the principle of protection. A charge lightly made by the mover of the resolution against Colonel Pickering, of withholding information, was indig-

nantly and successfully repelled. It was withdrawn, as proceeding from error. Soon after, a circular was issued by that officer calling for depositions to every instance where this wrong had been committed.

During this period of Congressional inactivity, two laws only were enacted—one making appropriations for the current service; the other extending the time of subscription to the loan for the domestic debt.

Hamilton's attention had, in the mean time, been called to an important question, as to the constitution of the State of New York. By that instrument, the person administering the government was President of the Council of appointment, which consisted of four members of the Senate elected from each district by the Assembly. He had a casting, but no other, vote, and, with the advice and consent of the Council, had the appointment of all officers, not excepted by the Constitution.

Upon the strength, as Hamilton observed, "of some ambiguous" expressions in it, Clinton had claimed and exercised the right of nomination. This claim had been regarded by Hamilton as an usurpation, and the mode in which the power was exercised had been early denounced by him in pointed terms.* In accordance with this opinion, the members of the Council during Clinton's late term claimed and exercised a concurrent right of nomination.

Jay, in his first address to the Legislature of that State, proposed the decision of this question by a declaratory act. For that purpose a bill was introduced. To determine the true construction of the article, Hamilton was applied to. He gave a full exposition of the Constitution. The result to which he came was, that "the right of nom-

* Federalist, No. 87.

ination as giving to the Governor two voices instead of one, as destroying by *implication* the common right of proposition intrinsically incident to every member of the same collective body; as vesting by implication in the same person a double agency on the same point, in an individual capacity, and as a member or part of the body, was not maintainable, especially if any other admissible sense could be given to the clause." That sense he contended to be, that "the Governor was the organ of the Council to appoint;" the power to commission he regarded as "cumulative."

A declaratory bill was introduced, but did not become a law. Jay claimed and exercised the exclusive right of nomination. This ultimately led to a Convention of the State, which declared, that the Constitution was to be construed according to Hamilton's interpretation.

The abuses, which had been early and pointedly exposed by Hamilton, incident to a council of appointment, remarking, "while an unbounded field for cabal and intrigue lies open, all responsibility is lost," * led to a second Convention. This body made a new distribution of the appointing power, similar to that in the Federal Government.

Hamilton was soon after called upon by the Secretary of the Treasury to appear before the Supreme Court of the United States. During the discussion of the bill laying a tax on pleasure carriages, Madison had expressed an opinion that this act was unconstitutional, as it was a *direct tax*. This suggestion induced a refusal on the part of the people of Virginia to pay this tax. A suit was commenced in behalf of the United States which was brought up before the Supreme Court.

* Federalist, No. 77

Being the author of this law, Hamilton felt the especial responsibility of sustaining it. His argument is not reported, but its outline is gathered from an imperfect brief. A much better judgment may be formed of it by the opinion of the Supreme Court of the United States, which, in deciding unanimously that it was an indirect tax and within the constitution, adopted the principles* he laid down.†

During his attendance at the Supreme Court he was offered a fee of a thousand dollars by a private individual. A letter is in existence tendering him a similar sum soon after his return to New York, on which is a memorandum "Returned as being more than is proper." A short interval only elapsed, when a proposition was made to him, in consideration of his aid in the liquidation of the concerns of an individual so as to prevent an undue sacrifice, that he should receive one-third of an estate amounting nearly to four millions of dollars. Being pressed for an answer, he replied, "I have carefully reflected upon the subject of your letter. Though the data which it presents authorize an expectation of large pecuniary advantage; and though I discover nothing in the affair, which

* Brief on carriage tax. Hamilton's Works, vii. 845. Obviously a fragment.

† This notice is found in a cotemporary gazette. "Feb. 25. Yesterday in the Supreme Court of the United States, Mr. Hamilton, late Secretary of the Treasury, made a most eloquent speech in support of the constitutionality of the carriage tax. He spoke for three hours, and the whole of his argument was clear, impressive, and classical. The audience which was very numerous, and among whom, were many foreigners of distinction and many of the members of Congress, testified the effect produced by the talents of this great orator and statesman." Hamilton was associated with the Attorney General. The Counsel in opposition were Campbell of Virginia and Jared Ingersoll of Philadelphia—the subject of one of the ablest and most elegant essays ever written, entitled—"The Leaders of the Old Bar of Philadelphia," by Horace Binney.

an individual differently circumstanced might not with propriety enter into, yet in my peculiar situation, viewed in all its public as well as personal relations, I think myself bound to decline the overture."

Hamilton's visit to Philadelphia was brief, but not without interest. Here, he was informed minutely of the influences which were at work to array all the force of the opposition against the treaty. Here, his intercourse was renewed with many of the individuals who had sustained him throughout his arduous administration of the finances, and he had the pleasure of again meeting his early friend Edward Stevens. Here also, he saw with deep regret and indignation, how a mere political hostility had degenerated into personal animosity towards Washington.

It had been usual from the commencement of the government for Congress to pay the President a visit on his birthday. For this purpose, an adjournment of half an hour was proposed. This civility was opposed by Giles and Gallatin, and was refused.* Pennsylvania, through her legislature, showed this mark of respect.

The Supreme Court of the United States, at this time, made an unanimous decision on a writ of error from the Virginia Circuit; that a claim by a British subject, which had arisen previous to the Revolution against a Citizen of Virginia, who had made a payment into the Treasury of that State pursuant to its law, was a subsisting debt. This opinion gave additional and increased activity to the opponents of the recent treaty with England.

* Madison to Jefferson, Feb. 29, 1796: "The President's birthday has been celebrated with unexampled splendor. The crisis explains the policy of this. It is remarkable however that the annual motion to adjourn for half an hour to pay the compliments of the day was rejected this year by 50 to 38, although last year on the yeas and nays only 13 voted in the negative."

Intelligence of the exchange of the ratifications of it at London on the twenty-eighth of October reached the Government at this time. A proclamation was immediately issued by the President announcing this fact, and enjoining the execution and observance of this compact, with "the most sincere regard to good faith." A message communicating this proclamation was also transmitted to the House of Representatives. This prompt and decisive act, evincing the fixed determination of the President to maintain the rights conferred by the Constitution upon the Executive and Senate, gave deep dissatisfaction to the opposition.

The Constitution had declared, that "all treaties made under the authority of the United States shall be 'the Supreme law of the land.'" This official annunciation made public this law. The House of Representatives were to decide whether they would execute or violate it. An issue was thus formed by Washington between the Constitution and its opponents.

The following day,* Edward Livingston, who had been conspicuous at the meeting convened in New York to discuss the treaty, addressed the House. He observed, that an important subject would soon occupy its attention. That for the purposes of public information, and to obtain the fullest investigation, he would move a resolution. It called upon the President for a copy of the instructions to Jay, and for copies of the correspondence and documents relative to the treaty, and was seconded by Giles.

This procedure explained the object of a recent motion. It had been the practice of the government since its commencement, a practice introduced by Jefferson, that all treaties requiring legislation should be laid before

March 2, 1796.

the House by the *Secretary of State*. This had been done in reference to the treaty of Grenville, recently concluded by Wayne; yet the Committee on Indian Affairs submitted the question to the House, whether they could legislate upon it in the present state of their information; and Dearborn moved a resolution, calling on the President to lay the treaty before them, which passed. Thus, by this preliminary vote, a precedent was made for a direct call by the House on the Chief Magistrate. Two days after, a resolution was also introduced by Livingston for the appointment of a Committee, to "inquire whether a son of La Fayette was in the Country, and what measures it will be proper to take, if the same be true, to evince the grateful sense entertained by this country for the services of his father."

The day after Livingston's call for the papers was made, the President sent a note to Wolcott, "A request somewhat similar to this, was made or about to be made, I do not now recollect which, nor the conduct that was observed on the occasion, as it was two, three or more years ago; but as Col. Hamilton was privy to it, I would thank you, if he has not left the City, to see and converse with him thereon, learn what the case and result was; and what he thinks ought to be the conduct of the President, if Mr. Livingston's motion reaches him. Cases of this kind are to be found in the British House of Commons, but I do not recollect the result."

Hamilton having returned to New York, the President consulted him there. He had written to Wolcott, "I have just seen Livingston's motion concerning instructions, &c. My first impression is, that the propriety of a compliance with the call, if made, is extremely doubtful. But much careful thought on the subject is requisite." On receiving Washington's letter he wrote to him:

"New York, March 7th, 1796.—Sir: I found young La Fayette here and delivered him your letter which much relieved him. I fancy you will see him on the first day of April.

"Mr. Livingston's motion in the House of Representatives concerning the production of papers has attracted much attention. The opinion here, of those who think, is that if the motion succeeds, it ought not to be complied with. Besides that in a matter of such a nature the production of the papers cannot fail to start new and unpleasant game, it will be fatal to the negotiating power of the Government, if it is to be a matter of course for a call of either House of Congress to bring forth all the communications, however confidential.

"It seems to me that something like the following answer by the President will be advisable: 'A right in the House of Representatives to demand and have, as matter of course and without specification of any object, all communications respecting a negotiation with a foreign power cannot be admitted without danger of much inconvenience. A discretion in the Executive Department how far and when to comply in such cases is essential to the due conduct of foreign negotiations, and is essential to preserve the limits between the Legislative and the Executive Departments. The present call is altogether indefinite and without any declared purpose. The Executive has no basis on which to judge of the propriety of a compliance with it, and cannot, therefore, without forming a very dangerous precedent, comply. It does not occur, that the view of the papers asked for can be relative to any purpose within the competency of the House of Representatives, but that of an impeachment. In every case of a Foreign Treaty, the grounds for an impeachment must primarily be deduced from the nature of the instrument itself, and from nothing extrinsic. If at any time a treaty should present such grounds, and it shall have been so pronounced by the House of Representatives; and a further inquiry shall be necessary to ascertain the culpable person, there being then a declared and ascertained object, the President would attend with due respect to any application for necessary information.'

"This is but an hasty and crude outline of what has struck me as an eligible course. For while a too easy compliance will be mischievous—a too peremptory and unqualified refusal might be liable to just criticism."

CHAPTER CXXIV.

Personal disrespect to Washington, though seen in the language of an unbridled press, and in the confidential correspondence of the leaders of the opposition, had never, until this session, been manifested on the floor of Congress. He had performed his duty in approving the treaty with Great Britain—and in return, his influence over public opinion must be impaired—if possible, destroyed.

The course of the House in their answer at the opening of the Session, was approved by Jefferson, as a "contrivance, respecting appearances in favor of the President, who," he remarked, "errs as other men do, but errs with integrity." Jefferson was fully aware of the danger of a direct issue before the people between Washington and his opponents. Less discretion is seen in other quarters.

No resolution could have been framed more wounding to the President than that relating to La Fayette. To avoid the calumnies of the opposition and the suspicions of France, he had sacrificed his desire to extend his immediate hospitality to the son of his friend, and he now saw himself exhibited in the odious light of having forgotten what was due to a national benefactor.

Washington immediately apprised Hamilton of it, and urged him to send an express desiring this youth to repair

to Philadelphia, "The express," Hamilton answered, "is this morning gone. I foresaw, when in Philadelphia, a certain machination on the subject." The young man proceeded to Washington's residence, and, after two months had elapsed, a Report was made by Livingston, that, "he had arrived in the United States; had received the patronage of the President; was in New Jersey for his education, and did not require any pecuniary assistance."*

Intelligence, confirming the anticipation in the speech of the President, that treaties with Algiers and Spain had been recently concluded, was at this time received. These treaties were submitted to the Senate, and were promptly ratified. Thus, by the wise policy of the Administration, every just cause of dissension with every foreign power, excepting France, had been removed; and the United States exhibited, "a spectacle of National happiness," which Hamilton truly declared, "had never been surpassed, if ever before equalled."

As bearing on the claims of the Federal party to the confidence and gratitude of the nation, it is an important fact, that, while Jefferson remained at the head of the State department, not one negotiation was successful; but the foreign relations of this country became more intricate, embarrassed, and precarious; and that, as soon as the action of the Government was freed from his influence, every existing cause of difficulty was removed, except with France, whose pretensions were sustained by the faction, of which he was the head.

* Gazette of United States, 1134. This motion of Livingston, and Washington's prudence are thus noticed in Dewitt's Washington, 364. "Les susceptibilités tracassières de la legation Française et le *perfide empressment* que mettait le parti democratique à les exciter et à les exploiter, rendaient une telle prudence necessaire."

It has been seen, that, at his suggestion, the United States resorted to the expedient of employing the Mathurins to redeem the American citizens who had become captives to Algiers; that to remove the impression that their supplies proceeded from the national Exchequer, the Spanish Consul ceased to be employed as the American Agent; and that the chief of that religious order was selected in his stead. This person was instructed to dole out to them a diminished donative, which, thus appearing to be a private charity, it was supposed would influence the Dey to reduce the exorbitant ransom he had endeavored to extort. This refining experiment aggravated the sufferings of these wretched captives, who believed that they were abandoned by their own Government, and made no impression on the Dey.

A system of tribute to obtain peace was exceedingly offensive to Hamilton's sense of the national dignity; and at war with his maxims of policy. He was convinced, as has been seen, that the only effective measure was the creation of a Navy; that a purchased respite would be regarded by the Corsair States as an admission of weakness, would stimulate their cupidity, and perpetuate their exactions.

But Congress could not be induced to provide a naval force; and the inhabitants of the mercantile cities sympathizing with the captives, were about to raise subscriptions for their redemption. The payment of tribute thus became popular. The Democratic party in Congress, with Madison at their head, urged a grant for this purpose; and a million of dollars was appropriated to their release, which was borrowed from the Bank of the United States.

Apprised of the late determination to create a Navy, the Dey of Algiers, at length, listened to a direct com-

munication from this Government. On the fifth of September seventeen hundred ninety-five, a treaty was concluded with him, and the captives were at last released. This treaty was now vehemently denounced by the immediate partisans of Jefferson. "It is proved," they said, "by the Statute book, that this business has cost us one million and eighty thousand dollars, besides a perpetual annuity of at least seventy-two thousand more, on the part of America. The whole scene presents a masterpiece of ignorance and absurdity, of presumption and prodigality, that reflects the utmost ridicule and reproach upon the Federal administration."

Part of this sum was paid in a frigate. This was the subject of much clamor. Yet this frigate was promised, after the peace had been concluded, by an agent selected by Monroe, during his residence at Paris, without the knowledge or authority of the government. The provision for this vessel was resisted by the Democratic party, until they discovered the agency of one of their leaders. Their opposition was then abandoned!

As to the terms which called forth the imputation of "prodigality," it has been seen, that a disclosure of the most confidential papers of this negotiation was insisted upon by the Democratic leaders, on the ground, that free governments ought to have no secrets. The disclosure was made to Congress by the President, under an injunction of secrecy. That injunction was dissolved. Important documents were published, and were communicated to the Dey. A pretext was thus given to him, and, it was officially ascertained by the United States, that these documents were used by him to increase his extortion.*

* The Nation were thus obliged to yield to the further demand of a sum little short of $200,000.

This pact with Algiers was of very inferior importance to the treaty with Spain. Carmichael and Short, had jointly represented the United States at Madrid. The former was appointed by the Congress of the Confederation. He had shown himself incompetent to the station, and Short, at the instance of Jefferson, was associated with him. Both partook warmly of the political opinions and preferences of their patron, Short was his especial favorite.

The rapid growth and increasing commerce of the United States rendered Spain sensible of the great importance of adjusting all existing controversies; and, reluctant as she was to concede what it was evident she had not the power to retain, it is not improbable, the sense of her weakness would have overcome the struggles of her pride. But, while professing an earnest desire to negotiate, she had seen expeditions forming at different points of the American frontier, for the conquest of her territory; expeditions promoted by persons known to be in the interests of Jefferson; and sustained by the direct aid of France. Her counsels could not comprehend the continuance, as a Chief Officer of the Cabinet, of a person entertaining views, and acting upon a system hostile to the avowed policy of the Administration. She consequently distrusted the sincerity of the American government; a distrust which was increased by the supposed predilections of the American agents at Madrid for French interests. A private letter was addressed to Hamilton by a former officer in the American army, then residing at Aranjuez, indicating the importance of a new appointment to that Court. Thomas Pinckney was soon after delegated to it on a special mission. He was empowered to negotiate a convention as to the navigation of the Mississippi, the settlement of the boundary, and for the regu-

lation of the general commerce of the respective countries. By a separate commission, he was also authorized to obtain restitution and retribution for the captures and seizures made in violation of the neutral rights of the United States, and to adjust a system for their protection.

It is an evidence, how deep the distrust of the Spanish ministry was, that notwithstanding this special mission, in his first communication, the Prince of Peace proposed to wait an answer from Philadelphia to propositions directed to be made there during the preceding year by their Chargés. He was informed, that no such propositions had been made! The object of them seems to have been to obtain a guarantee by the United States of their American possessions; and to induce the purchase of a right to navigate the Mississippi. Important as these interests were, no instructions had been given by Randolph on either subject. This great source of collision was thus left open; and Pinckney was obliged to assume the responsibility of acting upon his own judgment, as to what the decision of the Government would be.

The proposed guarantee was inadmissible, and was rejected. The navigation of the Mississippi was claimed as a right, it was not to be purchased. Much disappointment was caused by the refusal of the guarantee, but it was not insisted upon. The question of the navigation was a subject of greater difficulty. Anxious to conclude a treaty with the United States from a recent change in her relations, and knowing their determined resolution on this subject, Spain did not dare to refuse it, but asked that it should be reserved for ulterior negotiations. A reluctance was also seen to make compensation for the vessels she had captured.

Convinced that Spain must yield, Pinckney resolved not to sign a treaty which should not assure the free navi-

gation of the great intermedial river, and compensation for the illegal captures. After stating this determination, he announced his intention to return to England. Alarmed at this purpose, the Prince of Peace yielded, and on the twenty-seventh of October a treaty was concluded. The boundary established in the definitive treaty with Great Britain between the United States and the Floridas was recognized—to be ascertained by commissioners. The middle of the channel of the Mississippi to the thirty-first degree of North latitude was declared to be the Western boundary of the United States. The navigation of that river to the ocean was made free to both nations, with the liberty of deposit at New Orleans for a term of three years; and, if not continued, an equivalent establishment to be assigned elsewhere on its banks. All exports to be free of duty. The Indians were to be restrained by each nation within its respective limits, and neither was to negotiate with those residing in the territory of the other. Free ships made free goods, and persons sailing as privateers under a commission of the enemies of either party were to be punished as pirates. Spain also stipulated an indemnity for her spoliations to be adjusted by Commissioners. Thus the United States attained all that they asked without entering into stipulations inconsistent with their neutrality. The terms of a commercial treaty could not be agreed upon.

While the Administration was thus strengthened by the results of its foreign policy, the Democratic party was about to strike a blow, which, if successful, would have placed the United States beyond the pale of intercourse with every civilized community.

At the next meeting of the House of Representatives, Livingston proposed a modification of his resolution calling on the President for copies of the documents relating

to the treaty with Great Britain by annexing to it an exception "of such papers as any existing negotiations may render improper to be disclosed."

On the resolution thus modified, debate commenced. The speakers in favor of it were Baldwin, Gallatin, Giles, Livingston, Madison, Nicholas and Venable. Buck, Harper, Hartley, Murray, Smith, Sedgewick and Tracy opposed it.

The inquiry was first raised as to the object of this unprecedented procedure. Was it to test the Constitutionality of the treaty, or in order to impeach the negotiator, or the President? An explicit avowal of its purpose had been asked, and had been withheld. "If the Constitutionality," it was observed by Buck, "that can only be ascertained by comparing the treaty with the Constitution. If the expediency, the House had no right to make the inquiry. The ratification by the President and Senate was in the exercise of a perfect Constitutional power which they had no right to invade. Were they, because of clamor, to arrogate this power? If so, they might engross the whole government, might declare they were better judges than the President; might decree their sittings permanent; claim all the authority of the nation; make themselves legislators, judges and executors; thus overthrow the Constitution, and institute a despotism. This call was a violation of that instrument. The true question before them was, whether the Government could be supported or the dispassionate will of the great body of the people as expressed in the Constitution; or be subject to the reign of popular frenzy, of anarchy, or of despotism. "If he should give his consent to this usurpation," the veteran declared, "the blood which he had shed, and his own mutilated frame would reproach him."

Baldwin replied, that he had expected no opposition;

that the passion for mystery was exploded, that implicit faith was not to be reposed in public officers. In a free government the people ought to know the reasons of its measures. Gallatin asked, why this alarm, as though it was in contemplation to disorganize the government, and erect the House into a National Convention? This motion involved no constitutional question. Information was necessary, and was its sole object. When the Constitutionality of the treaty should be considered, it might be done on two grounds. Had the House an agency in carrying it into effect? Should it be made the foundation of a declaratory act? On either ground the information called for might be useful. The exception rendered the motion totally unobjectionable. If the information was not given by the President, then a question may arise whether they shall get at those secrets, whether he will or no. That is not the present question. If an impeachment were intended, the Resolution should be predicated upon a declaration of that intention. *At present* he did not contemplate the *exercise of that right.* Does the treaty-making power involve the power to regulate trade? If a treaty touched objects delegated to Congress was it binding, unless Congress passed laws to carry it into effect? The information required might elucidate the subject.

Madison, though he had so long been conspicuous in the opposition, now conceded the first place to Gallatin, who had qualities which more recommended him as the leader of a party. Following him, Madison commenced his observations, with a sophism. He observed, that the proposition now before the House might be considered as closely connected with this important question—"Whether the general power of making treaties supersedes the powers of the House of Representatives particularly specified

in the Constitution so as to take to the Executive all deliberate will, and leave the House only an instrumental agency? He said, he was not satisfied whether it was expedient then to go into the consideration of this very important question, and that he would attempt to throw the resolution into such a form as not to bear even the appearance of encroaching on the constitutional rights of the Executive. He proposed to substitute the exception "of so much of said papers, as in the judgment of the President it may not be consistent with the interest of the United States at this time to disclose." The House adjourned.

On resuming the debate, William Smith observed, "he was surprised, that those who displayed such zeal for the Constitution should support a proposition the tendency of which was indirectly to break down the Constitutional limits between the Executive and Legislative Departments. Has the Constitution made this House a diplomatic body invested with the powers of negotiation? Is it not from that subject expressly excluded? What can be the object of this call? If the treaty be unconstitutional, that must be apparent on its face. If its articles be consistent with it, can the preparatory steps make them unconstitutional? Whether his instructions had been pursued or not was a question between the President and his agent. By adopting the treaty, he sanctions the conduct of his agent, by submitting it to the Senate, he manifests his approbation of a departure from them, if any such there were. The House is the Representative of the People for legislative purposes. The President is their representative for executive purposes. They should be cautious of encroaching on the rights which he has derived from the people, and which he exercises for their benefit."

After some debate, the motion was referred to a Committee of the whole. Gallatin stated his views of an unconstitutional treaty. It is so, if it provides for doing things forbidden by the general government. But if it embraces objects within the sphere of the general powers delegated to the general government, but which have been exclusively and specially granted to a particular branch, say to the legislative department, such a treaty, though not unconstitutional, does not become the law of the land, until it has obtained the sanction of that branch.

This treaty operates on objects specially delegated to the Legislature, therefore the call for papers. The general power of making treaties, *undefined*, as it is, by the clause which grants it, may either be expressly *limited* by some other positive clauses of the Constitution, or it may be *checked* by some powers vested in other branches of the government, which, although, not diminishing, may control the treaty-making power. The specific legislative powers of Congress were exceptions to and limitations of the power of making treaties; and the general power of granting money, also vested in Congress, would at all events be used, if necessary, as a check upon, and as controlling the exercise of the power claimed by the President and Senate.

By one section, a treaty is declared, "the Supreme law," though it is to be made by the President and Senate. But it is also declared, that the legislative power shall be vested in three branches. Thus there would be two distinct legislators. To avoid this, it is said, the treaty power is an executive power, but such a power that of making laws cannot be.

This is called an undefined power, if so, it extends to all the proper subjects of national compacts. But specific powers given to another branch of the government must

limit the general powers, and, if there be a clashing, to make the compact void, the branch holding the specific power should concur and sanction. If treaties are supreme laws, so are the Constitution and the laws. Which shall have the preference? Shall the one repeal the other? But a law cannot repeal a treaty because it is made with a party, that has no participation in framing the law. Nor can a treaty repeal a law, because the House of Representatives have a participation in making the law. It requires the same power to repeal, that enacts. Laws and treaties are thus not of the same nature. Both operate as the law of the land, but under certain limitations. They are made by different powers of the Government, distributed under different modifications among its several branches. Thus, no law could be made by the Legislature giving themselves power to execute it; and no treaty can be made by the Executive embracing objects specifically assigned to the Legislature without their assent. If not so, the President and Senate may absorb all legislative power; and substituting a foreign nation to the House of Representatives may legislate to any extent; borrow money, regulate commerce, and why not appropriate money? He only claimed a check on this general power when clashing with special powers expressly vested in Congress.

Treaties made "*under the authority of the United States*" are declared "the supreme law;" not treaties signed and ratified by the President. Thus a treaty clashing with the express power of the House, until it has its sanction, is not a treaty "under the authority of the United States." Treaties are declared to be "the supreme law," not as equal or superior to the laws of the Union, but to the Constitution and laws of the States. The practice of Great Britain was adduced in support of

his argument. There the King had the power of negotiating treaties, but Parliament might, and often did refuse its assent. Treaties were often submitted to their discretion. Upon the broad doctrine contended for, Congress were like the ancient Courts of Justice in France. They must *register* the tax, if the Executive wills it, or they commit treason. If the free agency of that House and their right to judge of the expediency of carrying this treaty into effect be denied, then the friends of its independence would be compelled to reject the treaty whether good or bad, to assert the contested right.*

From the course of the debate, Hamilton saw, that it was important to give a proper direction to the mind of the House of Representatives. With this view, he wrote to William Smith on the tenth of March:

"I observe, Madison brings the power of the House of Representatives in the case of the treaty to this question, Is the agency of the House of Representatives on this subject *deliberative* or executive?

"On the sophism, that the Legislature and each branch of it is *essentially deliberative*, and consequently must have discretion, will he, I presume, maintain the freedom of the House to concur or not. But the sophism is easily refuted. The Legislature and each branch of it, is *deliberative*, but with *various* restrictions, not with *unlimited discretion*.

* Gallatin wrote, February 10, 1845—"Niles Register"—as follows:—"The President may alone negotiate—he cannot make a treaty. A treaty cannot be made without the consent of two-thirds of the Senators present. An attempt to substitute for that express provision of the Constitution, the approbation of Congress, would give to the House of Representatives a direct agency in making treaties. *Any law to that effect would be a nullity*, it might be repealed at any time by another law, for no law, which is not in the nature of a contract—which the legislature has a right to make—is binding on subsequent Congresses."

"All the injunctions and restrictions in the Constitution, for instance, abridge its *deliberative* faculty and leave it *quoad hoc*, merely *executive*. Thus the Constitution enjoins, that there shall be a fixed allowance for the Judges which shall not be diminished. The Legislature cannot therefore deliberate whether they will make a permanent provision, and when the allowance is fixed they cannot deliberate whether they will appropriate and pay the money. So far their deliberative faculty is abridged. The mode of raising and appropriating the money only remains matter of deliberation.

"So likewise, the Constitution says, that the President and Senate shall make treaties, and that these treaties shall be supreme laws. It is a contradiction to call a thing a law which is not binding. It follows, that by constitutional injunction the House of Representatives, quoad the stipulations of treaties, as in the case cited respecting the Judges, are not deliberative, but merely executive, *except as to the means of executing*. Any other doctrine would vest the Legislature and each House with unlimited discretion, and destroy the very idea of a Constitution limiting its discretion. The Constitution would at once vanish.

"Besides, the *legal* power to refuse the execution of a law is a *power* to *repeal* it. Thus the House of Representatives must as to treaties concenter in itself the whole legislative power, and undertake without the Senate to repeal a law. For the law is *complete* by the action of the President and Senate.

"Again, a treaty which is a contract between nation and nation, abridges even the legislative discretion of the whole legislature by the moral obligation of keeping its faith, *a fortiori*, that of one branch. In theory, there is no method by which the obligations of a treaty can be

annulled but by mutual consent of the contracting parties; by ill faith in one of them; or by a revolution of government, which is of a nature so to change the condition of parties as to render the treaty inapplicable."

Madison replied at length to the arguments against this procedure.*

He declared that he would take the Constitution as his guide, and give it the construction best calculated to reconcile the parts which at first view might appear at variance. By it treaties were supreme, but they were so, he contended, not as they relate to the United States, but as they relate to the authorities of the individual States. "*He would suggest a problem.*" Treaties are declared the law of the land, and the Judges in the States are directed to carry them into execution, any thing in the Constitution or laws of the State notwithstanding. These they are bound to disregard when in conflict with a treaty. But there is in the Constitution, no injunction on the State legislatures, and yet the execution of parts of a treaty may depend on them as well as in other parts on that of the Union. The *problem* will be, how those legislatures shall be induced to enact those necessary provisions.

As the want of explicitness in the Constitution gave rise to a variety of constructions, he would examine them, and select the least objectionable.

The Constitution he conceived on this subject liable to five different constructions. One was, that, "the power of making treaties and the legislative power vested in Congress must be considered as moving in different orbits, operating on different objects, and incapable of interfering with each other." This would narrow the treaty power too much, as important compacts with foreign na-

* March 16, 1796.

tions must comprise regulations falling under the enumerated powers given to Congress; or, the powers were concurrent. This construction would give room to a pernicious interference; or each power is supreme. To this he strongly objected, it would involve an absurdity to view the powers of each as supreme to the other; or, the treaty-making power is unlimited in its extent, and paramount to all authority, except the Constitution. This would extend that power too far, and cramp the power of making laws. The term "treaty" is a technical term, its meaning must be searched in governments where it had been most used. In despotic governments, this power is unlimited, because the government is so; because all power is concentred in the will of one man. But in limited governments, this power is not entirely *undefined.* In Great Britain, it is positively restrained from laying taxes or dismembering the empire. There aliens cannot by it be made subjects. Here also, it is not unlimited, though it is undefined.

If this power can perform one act for which the authority of Congress is made necessary by the Constitution, it may perform every act for which that branch of government is required. If it can regulate commerce, it may declare war, raise armies, lay taxes, borrow and appropriate money—define crimes and punishments. These powers are not more vested in Congress, than that of regulating commerce. If in these matters, Congress are to have no control, as soon as the President and Senate choose to exercise this power, then the President can enter into an alliance offensive and defensive with a nation at war, and the legislature must *obediently* declare war. They become merely the heralds of the President and Senate. If this is to be the construction of the treaty-making power, it is then tremendous indeed.

The specific powers vested in Congress are qualified by exceptions. That as to commerce, by the prohibition to prevent the emigration of certain persons before the year eighteen hundred eight. But if this power be admitted to the extent claimed, the President and Senate are not bound by this exception. Congress cannot regulate the freedom of speech, or of the press, or control matters of religion. But this prohibition would not extend to the treaty power; thus the authority of the three branches is limited, though that of two of the others are left at large.

In what department the power of declaring war should be lodged had been a question in the National Convention. It was finally vested in the Legislature to guard against the abuses of placing the power of declaring war in the hands that were to conduct it. But the doctrine now advocated, would, in case of a treaty of alliance offensive and defensive, drive the country into a war contrary to the spirit and express letter of the Constitution, and every principle of sound government.

The appropriations for the support of armies are limited to two years. By this power, if Congress may not deliberate on the subject of appropriations, this important check is gone. The checks of the Constitution are of two kinds; where the general power is divided into different departments, or where they co-operate for some purposes. As it is a Constitution of limitations and checks, that construction deserves most weight which provides in the present case a check on the treaty power. This is the only remaining construction—that Congress co-operate in the treaty-making power in some cases, and act as a check upon it, in the mode practised under the British Constitution. Where a treaty provides stipulations not clashing with the authority vested in the Legis-

lature, so far there is no need of their co-operation. Where they do clash, the branch in which a specific power is vested, must be consulted and must use its discretion; otherwise they become executive merely, and only carry into effect the will of another department.

It has been said, that no treaty would be practicable, if any agency was necessary for Congress. But it is not the inquiry how far the Legislature can contract with foreign nations, though as they are able to originate a contract to borrow money, they might be able to originate a treaty. But the question is, May not their agency be necessary in the completion of a treaty, as in the case of Great Britain. It had been said, the President and Senate were more capable of making a good treaty without than with the co-operation of the other branch. Why was the popular branch to be most suspected?

No construction, he said, would be found perfectly free from objection. That which he advocated, best reconciled the different parts of the Constitution, was most consistent with its spirit, most likely to produce harmony among the different departments of the government, and to secure the happiness of the people. If the omnipotence of one authority be allowed, if one is to roam at large, while the other is confined, the nature and spirit of the Constitution are abandoned and lost.*

In the frequent discussions of the Constitution, to which Madison had before given rise, it has been seen,

* Ames to Gore, i. 189: "Madison spun cobweb yesterday—stated five constructions of the Constitution and proceeded to suggest the difficulties in each, but was strangely wary in giving his opinion. Conscience made him a coward. He flinched from an explicit and bold creed of anarchy. Giles has no scruples, and certainly less sense. * * * * I like their violence. You and other discerning friends of order will note the wickedness, inconsistency and sophistry of these Catalines."

that he sought to derive support to his peculiar interpretations by reference to the proceedings of the Federal Convention, his statements of which were questioned.

On this occasion, no such reference was made either by him, or by Baldwin, who concurred with him in opposition, and had also been a member of that body. Both were silent as to its proceedings, on this subject. The inquiry was awakened among the Federalists: Did the Journal of those proceedings contain decisive evidence against the novel doctrine now contended for?

By referring to that Journal, it appears,* that Baldwin and Madison were both members of the committee of eleven, appointed to report on the incomplete parts of the Constitution.—That this Committee reported, "that the President by and with the advice and consent of the Senate shall have the power to make treaties, but that no treaty of peace should be made without the consent of two-thirds of the members present," and that an amendment, by which the consent of the House of Representatives was required, was *rejected* by the votes of all the States, except Pennsylvania!

The opponents of the call upon the President were led to examine the constitutional history of the Country. If, they asked, when the Constitution was first promulgated, the co-operation of that House had been understood to be necessary to give a treaty validity, whence arose the extraordinary agitation on this subject in the minds of the people? Could the object of that apprehension have been the mere power of digesting treaties to be laid before the House for their approbation? Would its friends have vindicated it by proving that this great trust was most safely deposited with the President and Senate?

* Journals of Convention, Aug. 31, Sept. 4 and 7, 1787.

Would they not have shown the alarm to be groundless? Would they not have replied in the language of novel discovery, 'Every subject of legislation is an exception from the power of making treaties,' and thus have proved to the world that these sages had devised and offered to their countrymen a scheme of legislation destitute, by an express delegation, of, the essential attribute of adjusting differences with other nations, and of agreeing with them on the terms of intercourse? No. They admitted the power, proved its necessity, contended that it would be safe in practice Its immense importance and extent; its control (by its stipulations) of the legislative power were mutually admitted. The objections raised were, that it was not adequately guarded; and that the House of Representatives ought to have participated in its exercise.

Parts of "The Federalist" written by Madison were quoted * to show that he there admitted and approved the construction he now opposed. In the State Conventions, the treaty power, to the full extent now claimed, was avowed by the friends, and was decried by the opponents of the Constitution; and amendments to limit it were proposed. In the Convention of Virginia, Madison had proved, that treaties, made by the King of Great Britain, were the supreme laws of the land. There the exclusion of the Representatives was defended, and in his enumeration of the checks provided by the Federal Constitution, that of the House was *not embraced*. Could this have been overlooked? Virginia proposed an amendment, that no commercial treaty should be valid, unless ratified by two-thirds of *all* the Senators. With this check she was content. Would she have proposed it, had she con-

* "Camillus," No. 38, by Hamilton.

ceived that the check already existed in the House of Representatives? Similar evidences were derived from the proceedings of other States.

The practice of Congress had been uniform. Indian treaties had been proclaimed as laws; and without being communicated to the House, it had made appropriations for them, as it had with respect to other laws. By an express resolve, all treaties, made or to be made and promulgated under the authority of the United States were directed to be published and annexed to their *code of laws.**

The proposition of Madison made in seventeen hundred eighty-nine and renewed in ninety-four to discriminate between nations having treaties of commerce and those which have not, implied the competency of the treaty-making power on the very principle which he now opposed.

The embargo laid by a former Congress was general and embraced Swedish vessels. They were by treaty exempt from this power. Without any law, by mere force of the treaty, they were permitted to sail.

The recent proceedings and memorials of the opposition admitted the complete validity of a treaty made without any co-operation of the House. "Lately at Harrisburgh, the meeting (which Gallatin must remember, for he was present) proposed to *amend* the Constitution so as to provide, that no treaty hereafter made shall be deemed to alter or affect any law of the United States or of any particular State; until it shall have been laid before and assented to by the House of Representatives." The recent amendments recommended by the Virginia Legislature proposed to *change* the Constitution, by vesting the power now claimed in the House.

* Resolve House of Representatives, June 4, 1790.

This power had been confided to the Senate as representing the sovereignty of the States, and as an equivalent for the equal legislative power they surrendered, in admitting a numerical representation in the House.

The true question was, were they by construction and implication now to extend their controlling influence over subjects expressly delegated by the people to another department of the government? To preserve that government as the guardian of their liberties, each of its departments must be kept distinct and within its prescribed limits,—yet we are asked, why suspect the popular branch? Is it not as good evidence of Republicanism to defend the executive in the exercise of his constitutional rights as to contend for any other department?

A treaty has been denominated a technical term; what does the term include, but stipulations between independent nations relative to subjects in which the contracting parties had a mutual or common interest? Let those who would more limit its sense, mark the limits!

The power was unlimited by the Constitution, and, for the purposes of peace, security and intercourse, it was illimitable. But so enormous a power may be abused! May not the power to raise armies, to lay taxes, to define crimes and impose punishments be abused? All rest in the discretion of the Legislature, and all must be controlled by the elective voice, and in the last extremity by the strong arm of the people. The remedy was to be found in their independent spirit. Of the five constructions mentioned by Madison, three had never been contended for. The fourth was objected to by him because of its susceptibility to abuse; and as to the fifth, though he inclined to believe that legislative co-operation was necessary, he had given no decisive opinion.

If such was the intention of the Constitution, why had

that instrument been silent as to its true meaning? Why had he admitted an opposite construction? Was he yet to form an opinion as to whom a power, he had so perspicuously described, was delegated? If treaties cannot operate on subjects within the sphere of legislation, what can they do? They cannot make alliances, ascertain boundaries, stipulate indemnities, or cede territory. All may infringe some legislative power. No power then has been delegated to the government of regulating our foreign relations; or else this government is competent to treat with every government on earth, but that of Great Britain!

Would such a treaty with any other power ever have excited a doubt as to its Constitutionality? All these objects of legislation have been operated on by the treaty with France and more. No legislative co-operation had been required.

It had been contended, (by Gallatin,) that whatever stipulation in a treaty required legislative provision or repealed a law, did not become a supreme law, until it had received legislative sanction. The Constitution contained no such limitation. But the practice of Parliament was adduced. The authority, on which he relied, proved that in England, the King possessed this power in all its plenitude. Foreign powers could hold her to her compacts without regard to Parliament. But were it otherwise, are the powers of the Commons and of this House, the same? There, treaties might not be supreme laws until approved by the Legislature!

Why depart from the true inquiry—the expressly delegated powers of our written Constitution? Part of the treaty might bind us as a supreme law, and part, it had been said, required legislative sanction. By the Constitution, the President negotiates a treaty, submits it to

the Senate, two-thirds approve it. By the Constitution, a law necessary, it is said, to give binding force to a compact with a foreign power may be made by two-thirds of both houses without the intervention of the President! Yet the treaty-making power is classed in the Constitution with the *Executive* powers, and is expressly delegated to the President and Senate. Two-thirds of the Senate must sanction a treaty; a majority may pass a law, and thus give validity to the instrument.

A distinction had been taken between treaties signed and ratified, and those made "under the authority of the United States." What treaties were made under that authority? The answer is, treaties made by those to whom the people by their Constitution had delegated the power. To the President was granted expressly this qualified power. No other department had it.

The discretion of the House had been dwelt upon for the public security. They might, it had been said, "stop the wheels of the Government." They had the power, but whence did they derive it? Was it from the same source which gave to individuals the power of *resisting* the laws? They had the power to do wrong, but had they the right to do wrong? Whether the wrong was committed by acting when they ought not to act, or refusing to act where they ought, was immaterial, both were equally reprehensible. The discretion of the House was not as to the fulfilment of a perfect compact, but as to the mode, the fund and other details.

CHAPTER CXXV.

That from the commencement of its career, the Democratic party sought popular favor by exciting the House of Representatives against the Executive branch of the government is among the most prominent facts in the early history of this country.

This was the more easy in the United States, as the Executive power in a separate department was a power, until the adoption of the Constitution, new to the people, who had previously been governed, or rather compromised with, through committees of Congress, elected annually, or for a shorter term. The objects of this power were also of high moment, of an indefinite nature, and requiring prompt and vigorous action. It naturally would inspire distrust, rouse and attract the suspicions of the people.

In the infancy of a government, where so much was to be done, it was not difficult to induce the belief that more was intended than was avowed. The fixed position of Washington in the public affections, and his known caution warded off this belief from him; but as jealousy must have an object, it was easily directed towards Hamilton—a jealousy which his active, ardent, indefatigable, various and comprehensive exertions, presenting him to view in every part of the public service, would naturally

keep alive. His universal "instrumentality" was the term of reproach applied to him by his opponents. Meanwhile, the slow process of legislation placed the Legislature before the people as the reasoning faculty of the nation. The immensity of its power was concealed from view; and, under the guise of interposing checks to that of the Executive, it would be enabled to make successive and successful encroachments.

Previous to this Congress, the self-called Democratic party had at times a small, and on many questions, a doubtful majority in the House, now that majority was large and decisive. It felt its strength. Early in the Session, it has been stated, a long sought triumph was at last obtained over the Treasury department. The member who led on this occasion had claimed significantly the abstract right "to stop the wheels of government;" and the recent debate had shown, that he believed the moment had arrived, when, on the plea of legislative discretion, that right was to be exerted.

With intense anxiety for the preservation of the Constitution, Hamilton had watched and deplored this spirit of encroachment. He had seen its terrific influence in the despotic anarchy of France. He knew, that by consolidating in one department the powers of the others, a despotism was produced. This danger was the more appalling, because the doctrine and the outline of the process to be adopted in relation to the treaty with England were seen to have been delineated by a foreign power,* a short time after Jefferson's suggestion of it.

Reluctant as Hamilton was, in the first instance, to make the President an object for the shafts of the opposi-

* In a Paris Journal of Dec. 6, 1795, the course pursued by the opposition as to this treaty, and the principles on which it was to be sustained, were delineated.

tion by a positive denial of the papers called for, the opinions disclosed in the debate left no doubt, in his mind, that this usurpation must be resisted. The President reflected anxiously on the course to be pursued. He was at first inclined to a compliance with the call of the House, from the hope that facility might thus be given to the provisions for the treaty, provided the principle of his right to refuse the papers could be saved. This, he was soon convinced, would be improper. He then contemplated a partial delivery of them.

In reply to a letter, consulting him as to this expedient, Hamilton wrote:

"I had the honor to receive yesterday your letter of the 22d. The course you suggest has some obvious advantages, and merits careful consideration. I am not however without fears that there are things in the *instructions* to Mr. Jay, which good policy, considering the matter *externally* as well as *internally*, would render it inexpedient to communicate. This I shall ascertain to-day. A middle course is under consideration; that of not communicating the papers to the House, but of declaring that the Secretary of State is directed to permit them to be *read* by the *members individually*. But this is liable to a great part of the objections which militate against a full public disclosure. I throw it out, however, here, that you may be thinking of it, if it has not before occurred. In the course of this day, I shall endeavor to concentrate my ideas, and prepare something, the premises of which may be in any event proper, admitting of the conclusion being modified, and adapted to your eventual determination."

To keep up the public excitement, the debate, of which an abstract has been given, was much protracted. Near its close, an unsuccessful effort was made by the mover of the resolution, to consider his proposition for the protection of American seamen. The discussion on the call for papers was then pressed, and on the twenty-fifth of March, the question being taken, Livingston's resolution passed by a vote of sixty-two to thirty-seven members,

five being absent.* This vote was regarded as a prejudgment in relation to the appropriations for the treaty.

As the instructions and correspondence under which it had been negotiated, were laid before the Senate, at its extra session, and were known to the opposition, the real objects of this procedure were not to obtain information. But, they were, if the papers should be refused, to excite a clamor against Washington;—if granted, to make them public. Avoiding the direct responsibility of pronouncing the treaty a nullity as having been made in violation of instructions, to urge the incongruity of those instructions —and, if not their letter, that their spirit had been departed from, as a ground for a refusal to pass the laws necessary to carry it into effect.

To render the procedure more pointedly offensive to Washington, Livingston, who had so recently initiated an inquiry into the treatment of the son of La Fayette, was associated with Gallatin, so deeply implicated in the recent Insurrection, representing two of the Insurgent counties of Pennsylvania, as a Committee to make the demand of the President. He replied that he would take it into consideration.

On the following day, Hamilton wrote to him:

"I perceive that the resolution has been carried. I have not been idle as far as my situation would permit, but it will not be in my power, as I had hoped, to send you what I am preparing, by this day's post; the next will carry it. It does not however appear necessary that the Executive should be in a hurry.

"The final result in my mind, for reasons I shall submit in my next, is, that the papers ought *all* to be refused. I am persuaded the communication of the instructions in particular would do harm to the President, and to the government."

* All the members from Virginia (19) voted in the majority.

Two days after, on the twenty-eighth of March, he again wrote:

"I am mortified at not being able to send you by this post a certain draft. But the opinion that reasons ought to be given and pretty fully has extended it to a considerable length, and a desire to make it accurate as to idea and expression keeps it still upon the anvil. But it is so far prepared that I can assure it by to-morrow's post. Delay is always unpleasant. But the case is delicate and important enough to justify it.

"I mentioned, as my opinion, that the instructions to Mr. Jay, if published, would do harm. The truth, unfortunately is, that it is in general, a crude mass which will do no credit to the Administration. This was my impression of it at the time; but the delicacy of attempting too much reformation in the work of another head of department, the hurry of the moment, and a great confidence in the person to be sent, prevented my attempting that reformation.

"There are several particular points in it, which would have a very ill effect to be published. 1. There is a part which seems to admit the idea, that an adjustment might be made respecting the spoliations which should leave that matter finally to the *ordinary course* of the British courts. This is obscurely and ambiguously expressed, but the least color for such a construction would give occasion for infinite clamor. 2. The negotiator is expressly instructed to accede to the entire *abolition* of *alienism* as to inheritances of land. You have seen what clamor has been made about the moderate modification of this idea in the treaty, and can thence judge what a load would fall on this part of the instructions. 3. He is instructed to enter into an article against the employment of privateers in war. This is manifestly against a country which has no *navy*, in a treaty with a country which has a large navy. For it is chiefly by privateers that we could annoy the trade of Great Britain. Some would consider this as a philosophic whim: others as an intentional sacrifice of the interests of this country to Great Britain. 4. There are several parts which hold up the disreputable and disorganizing idea of not being able to restrain our own citizens. 5. There are parts, which though proper to our agent, the publication of which would be a violation of decorum towards Great Britain after an amicable termination of the affair; and offensive, because contrary to the rules of friendly and respectful procedure. 6.

The Instructions have too little point (in the spirit of the framer * who was in the habit of saying much and saying little) and would be censured as altogether deficient in firmness and spirit.

"On the whole, I have no doubt that the publication of these instructions would do harm to the Executive, and to the character and interest of the government. If the President concludes to send the papers, they ought only to be the *Commissions*, and Mr. Jay's *correspondence*, saying that these are all, that it appears to him for the public interest to send. The draft will be so framed as to admit of this conclusion.

"But he may be then prepared for as much clamor as if he sent none. It would be said, that what was done, showed that the principle had not been the obstacle; and that the Instructions were withheld because they would not bear the light. Or at most only, that part of the Instructions should go which begins at these words—'4th. This enumeration presents generally the objects which it is desirable to comprise in a commercial treaty,' &c., to the end of the Instructions.

"But after the fullest reflection I have been able to give the subject (though I perceive serious dangers and inconveniences in the course) I entertain a final opinion that it will be best, after the usurpation attempted by the House of Representatives, to send none and to resist in totality.—Affectionately and respectfully."

The next day, Hamilton again wrote to the President:

"I wish the enclosed could have been sent in a more perfect state. But it was impossible. I hope however it can be made out and may be useful. It required more time to say all that was proper in a more condensed form. In considering the course to be pursued by the President, it may be well he should be reminded, that the same description of men who call for the papers have heretofore maintained, that they were not bound by any communication in confidence, but were free afterwards to do as they pleased with papers sent them."

This letter was thus acknowledged by Washington on Thursday, the thirty-first of March:

"I do not know how to thank you sufficiently for the trouble you have taken to dilate on the request of the House or how to apologize

* Edmund Randolph.

for the trouble (much greater than I had any idea of giving) which you have taken to show the impropriety of that request. From the first moment and from the fullest conviction in my own mind, I had resolved to *resist the principle* which was evidently intended to be established by the call of the House of Representatives, and only deliberated on the manner, in which this could be done with least bad consequences."

After stating the different views he had taken, he observed:

"Under these impressions I proceeded with the Heads of Departments and the Attorney General to collect materials, and to prepare an answer, subject however to revision and alteration according to circumstances. This answer was ready on Monday and prepared to be sent in on Tuesday, but it was delayed until I should receive what was expected. Not doing it definitely on that day, the delivery of my answer was further postponed till the next: notwithstanding the anxious solicitude which was visible in all quarters, to learn the result of Executive decision.

"Finding that the draft I had prepared embraced most, if not all, the principles which were detailed in the paper I received yesterday, though not the reasonings; that it would take considerable time to copy the latter, and above all, having understood, that if the papers were refused, a fresh demand, with strictures might be expected, I sent in the answer which was ready; reserving the other as a source for reasoning, if my information proves true. I could not be satisfied without giving you this concise account of the business. To express again my sincere thanks for the pains you have been at to investigate the subject."

The message transmitted by the President, after alluding to the principle of the call avowed in the debate, and to its consequences, stated the disposition he had always evinced to give any information which the Constitution had enjoined upon him to give, or which could be required as a right, and to harmonize with the other branches of the government, so far as his trust and the obligations

which his oath of office prescribed. It then remarked upon the secrecy and caution which the conduct of foreign negotiations required, and on the influence of disclosure on future negotiations even after the conclusion of those which were pending; that the necessity of this caution and secrecy was one cogent reason for vesting the treaty-making power where it was vested.

To admit the right to demand and to have of course all the papers respecting a foreign negotiation, would be to establish a dangerous precedent. That the inspection of them could relate to no other purpose under their cognizance, except to that of an impeachment which had not been expressed. That the papers had all been laid before the Senate.

It was then stated, that the President had ever entertained but one opinion, that the power of making treaties was exclusively vested in the President with the advice and consent of two-thirds of the Senators present. That every treaty, so made and promulgated, thenceforward became the law of the land. That it was so understood by foreign powers. We had declared and they had believed, that when so ratified they became obligatory. In this construction of the Constitution every House of Representatives had acquiesced, and not a doubt of its correctness had until this time appeared.

The proceedings of the State Conventions confirmed this view. The Constitution was the result of a spirit of amity and mutual concession, and under the influence of this spirit the smaller States were admitted to an equal participation in the Senate, and it was invested with great powers, on which participation the sovereignty and political safety of the smaller States were deemed essentially to depend. In the Journals of the General Convention a proposition, "that no treaty should be binding on the

United States which was not ratified by a law," was made and explicitly rejected.

The assent of the House not being necessary to the validity of a treaty; as that with Great Britain exhibited in itself all the objects requiring legislative provision, on which the papers called for could throw no light; and as it is essential to the due administration of the government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of his office, under all the circumstances of this case, forbid a compliance with the request.

The refusal to communicate these papers is referred to in a most extraordinary minute of Jefferson, that "the President said, if he communicated all Jay's papers to the Senate, every man would pronounce him bribed!"

The reference to the Journal of the Convention was sensibly felt by Madison. He wrote to Jefferson, "According to my memory, and that of others, the Journal of the Convention was by a vote deposited with the President to be kept sacred until called for by some competent authority. How can this be reconciled with the use he has made of it?" When it is recollected, that he had prepared notes of the debates of that body for future publication, in disregard of its positive injunction, this act of Washington obviously was not the true source of his dissatisfaction. It proceeded from the disclosure of his own inconsistency. "Madison," Ames wrote, "is deeply implicated by the appeal of the President to the proceedings of the General Convention, and most persons think him irrecoverably disgraced, as a man void of sincerity and fairness." *

* Ames to Minot, April 2, 1796. Ames's Works, i. 191.

The President had caused a letter to be written to Hamilton by the Secretary of State to ascertain, whether a person contemplated by him would act as a Commissioner under the British treaty. Resolved to indicate his determination to carry it into effect, he soon after nominated the Commissioners to the Senate, which nomination was published.

On the same day,* a resolution was offered in the House to refer the late message as to the call for papers to a Committee of the whole House.

This gave rise to a warm discussion. Gallatin was in favor of the resolution. "The President," he said, "had entered into their motives for refusing; indeed, he had gone further; he had adverted to the debates had in the House. It is certainly right to notice the message and to explain their real motives. Referring to a Committee of the Whole was deciding nothing, but only determining to examine."

Harper replied, "This was not the first attempt to get the House to do something to commit them to do something more. He insisted, such a reference would be determining that they would act; and when in Committee they would determine how, and would be asked, 'Why resolve into a Committee of the Whole, if not to act?' When the Indian treaty was ratified the President was requested to lay it before them. When that was done, it was contended that the House had a right to interfere, or why ask for it? They could not be imposed upon by

* Ames to Minot, i. 191. As to this answer of the President: "The party seemed wild on its being read. The project of referring the message to a Committee of the whole House, is for the purpose of replying to it; that it is a manifesto or declaration of war against the other two branches. The serious aspect of the business needs no comment. My own faith is, the country will leave, or more properly, is not with them."

No reply was given. The subject, it was said, had been fully discussed. It was of the last importance that the treaties should be carried into effect. The resolutions passed the House on the seventh of April by fifty-seven to thirty-five votes, the previous question having been called by Sedgewick.

In respect to this message, Hamilton had, previous to the debate on it, written to the President in the following terms: "I rejoice in the decision you have come to in regard to the papers. Whatever may happen, it is right in itself; will elevate the character of the President; and inspire confidence abroad. The contrary would have encouraged a spirit of usurpation, the bounds of which could not be foreseen. If there is time, I should like to have back the paper lately sent to correct, prune, guard and strengthen. I have no copy. But of the expediency of this, circumstances on the spot will decide. There is great fitness in the message. I see only one point the least vulnerable, the too direct notice of the debate in the House, which may be attacked as contrary to parliamentary usage. I hear the criticism here among the Livingstons; but this cannot be very material."* A few days after, the message which Hamilton had drawn and in-

* Madison writes to Monroe by Fulton, April 18, 1796: "After the vote of twenty majority calling for the papers, it was expected the President would send the whole or a part of them. You will find by his message in answer, that he not only ran into the extreme of an absolute refusal, but assigned reasons worse than the refusal itself. I have no doubt that the advice, and *even the message itself, were contrived in New York;* where it was seen, that, if the rising force of the Republicans" (in cipher) "was not resisted, it must by a rush the British party; and that the only hope of success lay in an open rupture with the President. It is to be lamented, that he *so early lent himself to the stratagem.* I refer to the motion of Mr. McClay for the form in which it is proposed to *get rid of the treaty.* If no" (cipher) "defections take place the motion will succeed." [The blanks are for illegible words in the MS.]

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This document, one of the most able and important which proceeded from his pen, is too voluminous to be embodied at large.

After adverting to the obvious reasons of State which forbade an assent to such a call by the House of Representatives, it proceeded to a dissertation on the deeply interesting question "of the nature of the Constitutional agency of that House in regard to treaties." The argument was cast into a series of propositions, each of which was placed in various lights.

At the close of a brief summary of these propositions, Hamilton observed, in a private letter: "On these grounds, with the President's name, a bulwark not to be shaken, is erected. The propositions, in my opinion, amount to irresistible demonstration."

In merely popular States, as each great question of policy becomes a question of party politics, it is apt to be decided not upon its merits; and a successful advocacy of an opinion assumes so much the character of a victory, that measured, revised, temperate views are not often taken, nor long maintained. Arguments are pronounced axioms—doctrines are regarded as dogmas—phrases become laws of opinion and of policy. Hence the great importance of keeping in view a true theory of the relative offices and powers of each Department of government, each thus kept within its proper constitutional sphere, and hence Hamilton's motive for this elaborate exposition,

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ize the participation of any other department, the whole power is therefore vested in them.

A treaty is a perfect contract between two nations, obligatory on both; but that cannot be a perfected or an obligatory contract, to the validity and obligation of which the assent of any other power in the State is constitutionally necessary.

Again: The Constitution declares, that a treaty is a *law*. A *law* is an obligatory rule of action *prescribed* by the competent authority.

But that, cannot be an obligatory rule of action, or a law, to the validity and obligation of which, the assent of another power in the State is constitutionally necessary.

Both these important propositions of the Constitution would thus be negatived by the discretionary power claimed for the House to execute the treaty or not.

Is there any thing in the Constitution which, by *necessary* implication, changes the force of the express terms that regulate the deposit of this power? If so, it must be in the clauses which regulate the deposit of the Legislative power. Here two questions arise.

FIRST. Can the power of treaty reach and embrace objects upon which the Legislative power is authorized to act, as the regulation of commerce, the defining of piracy, &c., or are these objects virtually excepted out of the operation of that power?

SECOND. If it can, is there any principle, which as to them gives to Congress or more properly the House of Representatives a discretionary right of assent or dissent?

First. The words establishing the power are manifestly broad enough to comprehend all treaties.

Second. It is a reasonable presumption, that they were meant to extend to all treaties usual among nations, and so to be commensurate with the variety of exigencies and objects of intercourse, which occur between nation and nation; in other words, that they were meant to enable the organ of the power to manage with efficacy the external affairs of the Country in all cases depending on compact with another nation.

Third. Treaties of peace, alliance and commerce, naturally bear in different ways upon many of the most important objects upon which the legislative power is authorized to act; upon the appropriation of money, the raising of armies, the equipping fleets, the declaring war, the regulation of trade.

Fourth. But there is no objection to the power of treaty having a capacity to embrace those objects.

1st. Because, that latitude is essential to the great ends for which the power is instituted.

2d. Because, unless it embraces the objects upon which the Legislative power may also act, it is essentially nugatory, often inadequate to mere treaties of peace, always to those of alliance or commerce.

3d. Because it is the office of the Legislative power to establish separate rules of action for the nation of which it is the organ, its arm being too short to reach a single case in which a common obligatory rule of action for two nations is to be established.

4th Because as a common rule of action for independent nations can only be established by compact, it necessarily is the office of the power of treaty to effect its establishment.

5th. From this inability of the power of legislation to effect what the power of treaty must effect, it cannot be supposed the former was intended to exclude the action of the latter

6th. On the other hand there is no incongruity in the supposition that the power of treaty in establishing a joint rule of action with another nation may act upon the same subject which the legislative power may act upon in establishing a separate rule of action for one nation.

7th. It is a common case for the different powers of government to act upon the same subject within different spheres and in different modes. The Executive power is often auxiliary to the legislative and that to the pactitious power.

8th. This doctrine leads to no collision of powers, as the stipulations of treaty may reasonably be considered as restraints upon the legislative discretion. They operate by pledging the faith and restricting the will of a nation by the force of moral obligation, and it is a fundamental principle of social right that the will of a nation, as well as that of an individual, may be bound by the moral obligation of a Contract.

9th. The organ of the treaty power is as truly the organ of the nation's will, as that of the legislative power; and that will acting through one organ may be bound by the pledge of its faith through another organ. Hence it results, that the position that the powers of treaty and of legislation, though acting in different spheres, may embrace in their action the same objects, involves no interference of constitutional powers, and that the former may reach and comprehend such objects, else the power of treaty would be essentially destroyed; whereas the stipulations of treaties, being only particular exceptions to the discretion of the legislative power this power will always leave a wide field of action beyond and out of the exceptions.

This construction, it was shown, was confirmed by the analogous terms of the confederation. The practice of the present government without any question was a further corroboration of the intended and accepted sense of the Constitution agreeing with that construction.

As to the second question:—

1. It has been seen, that the discretionary right of assent in the House of Representatives would contradict the two important provisions of the Constitution, which deposited the treaty-making power in the President and Senate, and declared that treaties so made shall be laws.

2. It supposed that House at liberty to contravene the faith of the nation made by its declared agents, and implied the contradiction that a nation may rightfully pledge its faith through one organ, and, without any change of circumstances to dissolve the obligation, may revoke the pledge through another organ.

3. No necessary implication exists or can be derived from the mere grant of certain powers to the House of Representatives in common with the other branch of the legislative body to control the obvious import of the terms granting the treaty power; and there being a rational construction which renders the due exercise of these powers in cases to which they are competent compatible with the operation of that of treaty, in all the necessary latitude, excluding the discretionary co-operation of the House, that construction is to be preferred. It is improbable, the Constitution intended to vest in the House so extensive a control over treaties without a single phrase that would look directly to the object. It is the more improbable, because the Senate, being in the first instance a party to treaties, this right of discretionary co-operation in the House in virtue of its legislative character would in fact terminate in itself, though but a part of the legislative body;—can the House of Representatives have any right in virtue of its *general* legislative character which is not effectively participated by the Senate?

Hamilton next exposed the sophism of Madison, that the legislative power is essentially deliberative, and that when its agency is in question, it has a right to act or not, and enjoyed an absolute discretion, uncontrollable by any constitutional injunctions, limits, or restrictions. This, he said, "would overturn the fabric of a fixed and defined constitution and erect upon its ruins a legislative omnipotence." It would for example give to Congress a discretion to allow or not a fixed compensation to the Judges, though the Constitution expressly enjoins "that they shall at stated times receive for their services a compensation, which shall not be diminished during their continuance in office," and would sacrifice this solemn and peremptory command of the Constitution to the opinion of Congress respecting a more essential application of the public money. Can this be true? Can any thing but absolute inability excuse a compliance with this injunction, and does not the Constitution presuppose a moral impossibility of such inability. What limit, if there is a legal discretion in any case to contravene an injunction of the Constitution, is there to this legal discretion? What injunction may they not supersede? What becomes of the appeal to our Courts on the Constitutionality of

a legislative act? What becomes of the power they solemnly assert to test such an act by the Constitutional commission? What in fine becomes of the Constitution?

It is a truth fundamental to the principles of our government, and all important to the security of the people of the United States, that the legislative body is not deliberative in all cases. That it is only deliberative and discretionary when the Constitution and the *laws* lay it under no command nor prohibition. Where they command, it can only execute. Where they prohibit it cannot act. If the thing be commanded, and the means of execution are undefined, it may deliberate on the choice of the means, but it is obliged to devise some means. The Constitution provides no method of compelling it to act, but it is not the less under a Constitutional, legal, and moral obligation to act, where action is prescribed and in conformity with the rule of action prescribed.

There is this difference between the effect of the Constitution and the laws to direct and restrain the legislative action. The Constitution obliges always. The laws till they are annulled or repealed by the proper authority; but till then they oblige the legislative body as well as individuals. Their abrogation or repeal must be by an act of the regular organ of the national will for that purpose in all the forms of the Constitution, not by a mere refusal to give effect to its injunctions and requisitions, especially by a part of the legislative body. A legal discretion to refuse the execution of a pre-existing law is a power to repeal it, and to attribute this discretion to a part of the legislative body, is to attribute to it the whole instead of a part of the legislative power in the given case. The idea is essential that in a government like ours, there is no body of men or individual above the law; not even the legislative body, till by an act of legislation they have annulled the law. This essentially deliberative faculty would prevent the nation ever being conclusively bound by a treaty. Why should the inherent discretion of a future legislature be more bound by the assent of a preceding one, than this was by a pledge of the public faith through the President and Senate? Even the Senate, after having assented to a treaty by two-thirds in one capacity, might in another by a bare majority, refuse to execute. The House has no moral power to refuse the execution of a treaty which is not contrary to the Constitution, because it pledges the public faith. It has no legal power because a treaty is a law until at least it ceases so to be by a revocation by the competent authority. The Constitution by a fundamental decree, by a peculiar provision, gives the character of a law to every treaty duly made. Questions may be made as to the cases when a treaty may be pronounced to have lost or may be divested of its obligatory force. If that power reside in the legislature, it must be exercised by an act of Congress declaring the fact and the consequence, or declaring war. This cannot be

done by one branch alone or the House of Representatives in particular, nor can they from the beginning refuse compliance without any new events to change the original obligation of the treaty. A right in the whole legislative body, (in our Constitution, the two houses of Congress) by a collective act to pronounce the nonoperation or nullity of a treaty satisfies every claim in favor of the legislative power, and gives to it all the weight and efficacy which is reconcilcable with the due operation of the treaty power. How discordant might be the results of a doctrine that the House of Representatives may at discretion execute or not a Constitutional treaty! What confusion, if our Courts of Justice should recognize and enforce as law, treaties, the obligation of which on the principle of inherent discretion, a principle which no decision of the Courts could reach, was denied by the House of Representatives.

Posterior treaties from the want of some collateral provisions of law, to give due effect to the principle of the new rule, breaking antecedent laws might disorganize our commercial and fiscal systems. Can that doctrine be true which may present a treaty operating as a law upon all the citizens of a Country and yet legally disregarded by a portion of the legislative body?

The sound conclusion appears to be, that when a treaty contains nothing but what the Constitution permits, it is conclusive upon *all*, and *all* are bound to give it effect. When it contains more, it is void either in the whole, or as to so much as it improperly contains.

The expediency of the participation of the House of Representatives was considered by the Convention. It was by them overruled.

The greatness of the power under this construction is no objection. It is doubtless a great power, and necessarily so, to answer the purposes of national security and interest. The manner in which it is granted in the Constitution indicates that a great power was meant to be deposited, and is an argument that there was no intention to admit the discretionary co-operation of the House. If the deposit was less safe than it is conceived to be, it would be an argument for the amendment of the Constitution, not against its existing provisions.

If the House of Representatives when called upon to act in aid of a treaty made by the President and Senate, believe it to be unwarranted by the Constitution which they are sworn to support, they may pause in the execution, until a decision on the point of Constitutionality in the Supreme Court of the United States shall have settled the question. But this is the only discretion within the intent of the Constitution.

Hence there was no question in his opinion of the competency of the House of Representatives which the President could presuppose likely to arise to which any of the papers now requested could be deemed applicable. As a preliminary proceeding, were the previous reasoning less founded than it ap-

peared to him to be, the call would be premature. A question on the constitutionality of a treaty can manifestly only be decided by comparing the instrument itself with the Constitution, whether it be consistent with or adverse to the interests of the United States must be decided by comparing its stipulations with their actual situation, internal and external. Nothing extrinsic to the treaty or to the manner of its negotiation can make it Constitutional or unconstitutional, good or bad, salutary or pernicious. The internal evidence affords the only proper standard of its merits. Whatever be the nature of the duty or discretion of the House as to the execution of it, it will find its rule of action in the treaty.

Even with reference to an animadversion of the conduct of the agents who made it, the presumption of a criminal mismanagement ought first to be deduced from its intrinsic nature, and ought to be pronounced, prior to a further inquiry to ascertain the guilt and the guilty.

Whenever the House of Representatives, proceeding on any treaty, shall have taken the ground that such a presumption exists in order to such inquiry, their request to the Executive for information will rest on a foundation that cannot fail to secure to it due efficacy. "But under all the circumstances of the present request (circumstances which I forbear to particularize) and in its present indefinite form, I adopt with reluctance and regret, but with entire conviction, the opinion, that a just regard to the Constitution and to the duty of my office forbid on my part a compliance with that request." *

* Hamilton's Works, vii. 556.

CHAPTER CXXVI.

The Resolutions on the President's Message in reply to the call of the House were not intended to become the basis of any proceeding in relation to it. The object of them was to shield the House from the charge of usurpation; and to insist on the right to prevent the execution of a treaty. As soon as they had passed, Tracy moved, that a Committee on the State of the Union be formed, and that a confidential message of the President, containing estimates for appropriations necessary to carry into effect the respective treaties, be referred. The motion was rejected.

On the eighth of April, a motion of Harper, previously offered, was called up, "that the necessary provisions ought to be made to carry into effect the treaties recently concluded with the Indian tribes, with Great Britain, with Algiers, and with Spain." He gave notice of his intention to call the House to act upon it on the eleventh.

A bill from the Senate authorizing, provisionally, the establishment of a Navy by the completion of "three" frigates was now considered. By a party vote of fifty-six members, this number was rejected. An amendment had been proposed to complete "two." This passed, after the defeat of a motion by Gallatin to reduce the naval establishment to one frigate!

On the eleventh, Harper moved to consider the treaties. The House refused. Resolutions were at the same time passed to reduce the military establishment! Two days after, Sedgewick moved, "that provision ought to be made by law to carry into effect, with good faith," the four treaties. The argument in favor of this proposition will not bear consideration. It was, as these treaties constituted parts of one entire system of policy, should one of them be defeated, it might be well to defeat them all. Much warmth and debate arose.

The next day, Gallatin proposed as a substitute, "that it is expedient to pass the laws necessary." He said, he wished to know, of the mover, how treaties could be carried into effect with bad faith; and moved, that, the words, "with good faith," should be expunged. The reply of Sedgewick indicated the feelings of the Federalists. "That *he* knew well how to execute treaties, as they ought to be executed, '*with good faith*,' but left the gentleman who had made the inquiry to discover the reverse."

The resolution, when limited to the consideration of the treaty with Spain, was agreed to unanimously, after an eulogium on that treaty by a member of the opposition. Resolutions were next offered by Hillhouse to carry into effect the other treaties. No opposition was made to that with the Indian Tribes, and with Algiers. But the consideration of the treaty with Great Britain was warmly objected to; and a resolution was offered, condemning the conduct of the Administration, and declaring "that it was not expedient at that time to concur in passing the laws necessary to carry it into effect."

This resolution was the result of a Democratic caucus. Its determination was communicated to Hamilton, who

immediately wrote to King, stating the policy which he thought was indicated by the crisis:

"New York, April fifteenth, seventeen hundred ninety-six.—A letter by yesterday's post from our friend Ames, informed me that the majority (fifty-seven concurring) had resolved in a private meeting to refuse appropriations for the treaty. A most important crisis ensues. Great evils may result, unless good men play their card well, and with promptitude and decision, for we must seize and carry along with us the public opinion, and loss of time may be loss of every thing.

"To me our true plan appears to be the following: (I presuppose that a certain communication has been made.) First. The President ought, immediately after the House has taken the ground of refusal, to send them a solemn protest. This protest ought to contain reasons in detail against the claim of the House in point of Constitutional right, and ought to suggest summarily, but with solemnity and energy, the danger to the interests and peace of the country from the measures of the House in the certainty of a deep wound to our character with foreign nations, and essential destruction of their confidence in the government, concluding with an intimation, that, in such a state of things, he must experience extreme embarrassment in proceeding in any pending or future negotiation which the affairs of the United States may require; inasmuch as he cannot look for due confidence from others, nor give them the requisite expectation, that stipulations will be fulfilled on our part.

"A copy of this protest to be sent to the Senate for their information. The Senate by resolutions to express strongly their approbation of his principles, to assure him of their firm support, and to advise him to proceed in the execution of the treaty on his part, in the confidence that he will derive from the virtue and good sense of the people, constitutionally exerted, eventual and effectual support; and may still be the instrument of preserving the Constitution, the peace, and the honor of the nation.

"Then the merchants to meet in the cities, and second by their resolutions the measures of the President, and Senate, further addressing their fellow-citizens to co-operate with them.

"Petitions to be afterwards handed throughout the United States.

"The Senate to hold fast, and consent to no adjournment, till the expiration of the term of service of the present House, unless provision made.

"The President to cause a confidential communication to be made to the British Minister, stating candidly what has happened, his regrets; his adherence nevertheless to the treaty; his resolution to persist in the execution, as far as depends on the Executive; and his hope, that the faith of the country will be eventually preserved.

"I prefer that measures shall begin with a protest of the President, as it will be in itself proper; and there will be more chance of success, if the contest appears to be with him, and the Senate auxiliaries, than the reverse.

"But, in all this business, celerity, decision, and an imposing attitude are indispensable. The glory of the President, the safety of the Constitution, the greatest interests, depend upon it. Nothing will be wanting here. I do not write to the President on the subject.

"An idea has come of an intention in our friends in the House of Representatives, to resist the execution of the other treaties, the Spanish and Algerine, unless coupled with the British. But this will be altogether wrong and impolitic. The misconduct of the other party cannot justify in us an imitation of their principles. 'Tis best, I think, that the first course should be given to the other treaties—or, at most, if a *feint* of opposition is deemed advisable, it ought to be left to the Senate by postponement, &c. But even this is very delicate, and questionable.

"Let us be right, because to do right is intrinsically proper, and, I verily believe, it is the best means of securing final success. Let our adversaries have the whole glory of sacrificing the interests of the nation.

"P. S. If the treaty is not executed, the President will be called upon by regard to his character and the public good *to keep his post* till another House of Representatives has pronounced."

These measures were immediately taken in the Senate. Alarmed by the determination of the Democratic leaders to defeat the treaty, the Insurance offices in the City of New York gave notice that they must cease to insure. The merchants and traders assembled. A petition in favor of the treaty was prepared, was circulated among the citizens, and was extensively signed.

In the interior of the State, Schuyler exerted all his

influence to call forth an expression of opinion. In Salem, Boston, Philadelphia, Baltimore, Annapolis and Alexandria, similar unanimity was evinced. Day after day, as the debate was in progress, petitions were presented to the House of Representatives urging them to carry the treaty into effect, and deprecating the dangers of refusal or delay.

Attempts were made to obtain counter memorials, but with little success. In New York, a meeting was called in the fields, "of the supporters of the Constitution and of the majority of the Representatives." An address was immediately issued by Hamilton dissuading the attendance of the people. "A manifest breach of the Constitution," he said, "was about to be committed. This you will acknowledge, unless you can believe that a thing may be a bargain and not a bargain; that a thing may be a law and not a law at the same time. This usurpation, it is true, will be covered by artful and plausible arguments. But when was a usurpation at a loss for such arguments? When did those who meant to overthrow a Constitution fail to find specious pretences to color their designs?

"The CONSTITUTION and PEACE are in one scale. The overthrow of the CONSTITUTION and WAR in the other.

"Those who have been trying to make our country a party to the war, tell you, the treaty with Great Britain was made under British influence, and to promote a British interest. Can you believe that Washington, that veteran hero and patriot, who at the head of your armies, carried you through a seven years' war with Great Britain; that Jay, among the most conspicuous and useful in resisting British tyranny; that two-thirds of the Senate, almost all of whom were in the army, or in Congress, or in the State legislatures, supporting the common cause

can you believe, that all these men have become the tools of Great Britain or traitors to the country? The British treaty is a measure of peace. Its advocates are the friends of peace; but would resist any political connection or alliance with Britain.

"Its opponents wish to draw us into a close alliance offensive and defensive with France; and thus involve us in all the politics, intrigues, quarrels and wars of Europe.

"If your situation be happy, do not rashly risk a change. Do not second the ambition of a Virginian faction, constantly endeavoring to govern the United States; a faction, of which, some of your representatives are the dupes, and are sacrificing the recovery of the posts, the fur trade, and the trade of the Canadas, all which must necessarily fall into the lap of your city."

Hamilton also wrote to Marshall, urging the co-operation of Virginia; who informed him that measures had been taken and were in progress,—"A majority of the counties will avow sentiments in opposition to ours, but the division of the State will appear to be much more considerable than has been stated." Letter after letter, day after day, was written by Hamilton to his leading friends in Congress, stating the progress of public opinion, and urging them to defer the decision of the question.

Madison took the lead in the renewed debate. He avoided the constitutional difficulty, because excluded, as he said, by the recent decision of the House; but expatiated on the defects of the treaty. No indemnity for the negroes, and therefore no reciprocal stipulation for the provision for British debts; the unwise regulations as to the posts without compensation for their retention the privilege to aliens to hold lands in perpetuity, a stip-

ulation without example where territory was ceded or acknowledged; the extension of the privileges of Great Britain on the Mississippi; that "free ships" were not declared to make "free goods;" the article as to "contraband;" the prohibition of sequestration, England owing us no debts to be sequestered; the perpetual and irrevocable abandonment of this defensive weapon without a reciprocal protection of our vessels and their cargoes; the relinquishment of the right of discrimination as to her alien and tonnage duties; thus marring his process of commercial coercions; the limitation on the West India commerce,—"A treaty of commerce with Great Britain, excluding a reciprocity of our vessels in the West India trade is a phenomenon, which had filled him with more surprise, than he knew how to express;" the placing England on the same footing with the "most favored nations," and without requiring from her the *price* of new favors; the article relating to the East Indies, which he was informed "offered not a shadow of advantage to the United States." Yet after they had entered into such a treaty, she continued her spoliations and her impressments; either practical comments on the treaty or infractions of it. He derided the idea that war was to be apprehended from a refusal to execute. "The only supposable consequence" would be a "reconsideration and remodification of the offensive parts of the treaty"

The debate continued until the nineteenth of April. On that day, Livingston, stating that the merchants looked to the treaty for indemnity for spoliations, and that it appeared doubtful whether it would be carried into effect, proposed that provision be made for them by law; and that an appropriation should be advanced to and divided among them. This motion, which, it may have been sup-

posed, would have divided the mercantile interest, does not appear to have been seconded. A similar motion had been at a former session opposed by the opponents of the administration; by those who had caused it to be now made.

The same day, bills to carry into effect the treaties with Spain * and with the Indians were ordered to a third reading. It was resolved by the majority of the Senate to amend the bill as to the Spanish treaty by adding a provision for that with Great Britain. If the House should disagree, to adhere, and they would lose the bill. To add to the Algerine bill, an amendment providing for the British and Spanish treaties, and leave the House to decide its fate. To add to the bill providing for the Indian treaty an amendment for the British, the Spanish and the Algerine treaties. The House would also decide its fate. Then to offer a bill providing for all the treaties. This intention was suspected by the opposition, and they were much alarmed. To reject them all was a responsibility their leaders were little inclined to assume.

The following day the bill to execute the treaty with Spain was communicated to the Senate. It was referred; the same course was subsequently adopted as to the treaty with the Indians, and also as to that with Algiers. The debate in the House was continued until the twenty-eighth of April, when it was addressed by Ames, who, sinking under disease, had hitherto sat in silent sorrow, that he could only testify his indignation by his vote.† He did

* The provision for the appointment of Commissioners in the British treaty had been denounced as a violation of the Constitution. No objection was made to a similar provision in the treaty with Spain.

† "I am," Ames writes, March 9th, "not a sentry, not in the ranks, not in the staff. I am thrown into the wagon as part of the baggage. I am like

not examine the treaty in detail. That, he thought, would be to throw ridicule over the debate. The questions were, "Shall we break our faith? Will the state of public opinion justify the deed?"

These inquiries opened an extended field of observation on the condition of the public affairs; the influences which had been exerted upon the public mind; the obligations of "the law of good faith." These topics were all most fervently discoursed. With much severity, he commented on the sophistries which had been employed to mislead and to unman the judgment of the House; on the false alternative which had been presented for their decision; and then, as though weary and self-condemned for longer tracing the dark labyrinth into which they had been beguiled, he burst into the light, and depicted in the boldest colors, the consequences of their refusal to execute this National compact. His large, commanding views, his rapid transitions, and his impassioned bursts overpowered the House, long accustomed to acknowledge his ascendency.

At the end of this brilliant effort, a divided cry was heard, that the "Committee should rise," and for "the question." But an important member of the opposition asked delay for another day, that the House might not vote under the influence of a sensibility which their calm

an old gun, that is spiked, or the trunnions knocked off, and yet am carted off, not for the worth of the old iron, but to balk the enemy of a trophy. My political life is ended, and I am the survivor of myself, or rather a troubled ghost of a politician, that am condemned to haunt the field of battle where I fell. Whether the government will long outlive me is doubtful. * * * A crisis now exists, the most serious I ever witnessed, and the more dangerous, because it is not dreaded." Nearly a month after, he writes, "My health is slowly improving. I am unfit for debate, and am not able to attend through a whole sitting. God bless you."

judgment might condemn;* "he was not himself determined, how he should vote."

The debate was closed the following day by the Speaker, who made an earnest appeal to Madison, with whom he had served in the old Congress, in the Convention, and for years in that House, calling upon him to show, in what line or word of the treaty, his Constitutional authority had been exceeded by Washington. The appeal was not answered.

A division of the committee was asked, and it was resolved by the casting vote of the chairman, that it was expedient to make the necessary appropriations for carrying the treaty into effect.

A proposition by Dearborn, previously suggested by Giles, to prefix a resolution, declaring the treaty "injurious," and assigning the short duration of its temporary articles as a reason why it should be permitted to go into effect, was negatived by a majority of one member.† Had an independent expression of condemnation been offered, it would probably have been adopted.

* Life of Ames, p. 15.

† Madison to Monroe, May 1, 1796: "After passing in committee by the Speaker's vote, a motion was made by an enemy of the treaty, of a preamble, 'that although the treaty was highly objectionable, yet considering all circumstances, particularly the duration for two years, and confiding in the efficacy of measures that might be taken for stopping the spoliations and impressments, &c.' For this, all who meant to vote against the treaty with those who had only yielded for the reasons expressed in it, ought to have united in voting, as making the *pill a bitter* one to the treaty party, as well as less pernicious to the public interest. A few wrong heads, however, thought fit to separate; whereby the motion was lost by one vote. The main question was then carried by 51 to 48. The progress of the business throughout has been to me the most worrying and vexatious that I ever encountered; and the more so, as the causes lay in the unsteadiness, the follies, the perverseness and the defections among our friends, more than in the strength or dexterity, or malice of our opponents."

In the House, the resolution to carry it into effect, passed finally on the third of May by a majority of three votes. In the five States of New England, there were only four votes against the treaty, and in the five South and West of the Potomac only four in its favor.

This ultimate victory of the Administration indeed, of the Constitution, may be ascribed to several combining causes.

The opposition, from the moment Washington took a decided stand, felt the difficulty of their position. Day after day, the number of their adherents diminished, and, while that portion of the leaders, who were in more immediate intercourse with the French Minister, adhered obstinately to their purpose, their followers became alarmed. They did not dare assume a responsibility which might result in consequences more serious than they had anticipated.

A powerful influence was also brought to bear from that part of the Union, hitherto most subservient to their views. The Western States sighed for the navigation of the Mississippi, and feared for the safety of their frontier. To them, a general Indian war, aided by the arms of England, was a consummation of all that could be presented most terrific to their imaginations. Their petitions for the fulfilment of the treaty were frequent and urgent.

That the Government of the country should have been rendered so immediately sensitive to the popular feeling; that the nation should have been seen divided into parties so acrimonious on a question of public faith; that the obligation of that faith should have been resolved into a question of the greater or less number, or the greater or less violence of public meetings; and that this state of things should have continued during a period of twelve

months was a sad augury for the success of institutions founded and dependent upon the Democratic theory.

If the influence of popular excitement could so far interfere with the exercise of a Constitutional duty on the part of the legislature, that influence was too great. If the executive prevailed through the personal popularity of the President, how serious were the inferences as to the future!

It is true, that the appeal to the people was commenced by the disorganizing party, to overawe the President; but it is not less true, that this pernicious example was unavoidably followed by the friends of the Constitution, though in support of a supreme law, to overawe a factious legislature. Hamilton saw and felt the evils which such precedents portended, but they were incident to and inseparable from a Government so constituted. He preferred to rejoice at the present result. The Constitution had triumphed. The honor of the country was saved. Peace was secured.*

While Hamilton was thus laboring to ward off dangers from the country, Jefferson was stimulating the agents of his ambition to a more zealous concert against the Constitution. "Randolph," he wrote Monroe, on the twenty-first of March, "seems to have *hit* upon the true theory of the Constitution; that when a treaty is made, involving matters confided by the Constitution to the three branches conjointly, the Representatives are as free as the President and Senate were, to consider whether the national interest requires or forbids their giving the forms and force of law to the articles over which they have a

* The importance of this result is largely and beautifully dilated upon in an early number of "Camillus," exhibiting the motives which had governed him in suggesting to the President the institution of the special mission of Jay.

power." The same idea was repeated. After writing to Monroe in relation to some money affairs in France, Jefferson says, "On the precedent now to be set will depend the future construction of our Constitution, and whether the powers of legislation shall be transferred from the President, Senate and House, to the President and Senate and Piamingo or any other Indian, Algerine, or other chief." *

To Madison he writes, six days later:

"I see no harm in *rendering* their sanction (that of the House) necessary, and not much harm in *annihilating* the whole treaty-making power, except as to making peace.

"If you decide in favor of your right to refuse co-operation in any case of treaty, I should wonder on what occasion it is to be used, if not in one where the rights, the interest, the honor and faith of our nation are so grossly sacrificed; where a faction has entered into a conspiracy with the enemies of their country to chain down the legislature at the feet of both; where the whole mass of your constituents have condemned both and are looking to you as their last hope to save them from the effects of the *avarice and corruption* of the first agent, the revolutionary machinations of others, and the incomprehensible acquiescence of the *only* honest man who has assented to it. I wish that his honesty and his political errors may not furnish a second occasion to exclaim "Curse on his virtues, they have undone his country."

He denied the accuracy of the President's message; that he had entertained an uniform opinion on this question, and enclosed a *press copy* of a message and memo-

* The precedent here sought to be established was relied upon by France in the discussions on a subsequent treaty with the United States stipulating indemnity for spoliations. One of the deputies remarked, "The government of the United States *knows better than any other*, that in a representative government no political convention containing a stipulation for any payment whatever can be considered definitive, until the *consent* of the body which has the right of voting the appropriation, has been obtained in that particular stipulation."

randum prepared by himself, recognising the previous authority of *both* branches of the Legislature, to be found, he had "no doubt, on the files of the Senate." *

Can it excite surprise, that in the first instance in which this power was considered by the cabinet, Jefferson gave the opinion, that a treaty might be formed, dispensing with an existing law imposing a duty on goods, upon the express ground, "that a treaty made by the President with two-thirds of the Senate was a law of the land, and a law of superior order; because it not only repeals past laws, but cannot itself be repealed by future ones." A secret article to this effect was approved by the Senate, without, as it is believed, a division.†

Can it amaze, that on a question as to a treaty with Algiers, stipulating a ransom, and ratified with the advice of the Senate, he advised the President, "that it would be good under the Constitution, would be *obligatory on the Representatives*, and that it would be their duty to raise the money.‡

Washington places the opposition to the treaty in its true light. "No candid man," he wrote, "in the least degree acquainted with the progress of this business, will believe for a moment, that the *ostensible* dispute was about papers, or whether the British treaty was a good or a bad one, but whether there should be a treaty at all without the concurrence of the House of Representatives." This was striking, at once, and that boldly, too, at the fundamental principles of the Constitution; and, if it were established, would render the treaty-making power, not

* After diligent search among these records no such paper has been found. The alleged paper is in Jefferson's Works, iii. 326.

† Marshall's Washington, v. note II. to page 274. August, 1790.

‡ Jefferson's Works, iv. 465—compare with this ibid. iii. 327—and observe ante iii. 119.

only a nullity, but such an absolute uncertainty as to reflect disgrace on the framers of it." *

Only a week before, seeing the tide of public opinion rushing in upon the House of Representatives, and the execution of the treaty inevitable, Jefferson wrote the following far-famed letter to an Italian correspondent in Europe.

"To P. Mazzei:

"MONTICELLO, April 24, 1796.—MY DEAR FRIEND: Our political condition has prodigiously changed since you left us. In place of that noble love of liberty and of that republican government which have made us pass triumphant through the dangers of the war, a party Anglican monarchical, aristocratic is risen up. Its avowed object is to impose on us the substance as it has already given us the forms of the British government, nevertheless the principal body of our citizens remains faithful to republican principles.

"All the landed proprietors are for these principles; and so is a great mass of men of talent. We have against us (*republicans*) the executive power, the judiciary power, (two of the three branches of the legislature)—all the officers of government, all those who aspire to be, all the timid men who prefer the calm of despotism to the stormy sea of liberty, British traders and Americans who traffic with British capitals, speculators, persons interested in the bank and in the public funds (establishments invented with views of corruption, and in order to assimilate us to the British model in its corrupt parts).

"I would *give you* a fever, if I were to name to you, the apostates who have embraced these heresies, men who

* Washington's Writings, ix. 122. May 1, 1796.

were Solomons in the Council and Samsons in the field, but whose hair has been cut off by the HARLOT ENGLAND.

"They would wrest from us that liberty which we have gained by so many labors and dangers. But we shall preserve it. Our mass of weight and of wealth is too great, that we should have to fear that they will attempt to employ force against us. It suffices, that we awake and that we break the Lilliputian ties with which they have bound us during the first sleep which has succeeded our labors.

"*It suffices, that we stop the progress of that system of ingratitude and of injustice towards France, from whom they would alienate us to restore us to the British influence, &c.*" *

He soon after wrote to Monroe at Paris: "You will have seen by their proceedings (Congress) the truth of what I always observed to you, that one man outweighs them all in influence over the people, who have supported his judgment against their own and that of their representatives. Republicanism must lie on its oars, resign the vessel to its pilot, and themselves to the course he thinks best for them. * * * Volney is with me at present. *He is on his way to the Illinois.*" †

While Jefferson was thus denouncing the policy of Hamilton and of his friends, fully approved by Washington,—as a "system of ingratitude and of injustice towards France," to restore British influence, it is interesting to advert to Hamilton's language in a letter to the Secretary of the Treasury, written four days prior to the date of that of Jefferson to Mazzei.

* This is a literal translation from the letter published in the Moniteur. Its accuracy was many years after denied by Jefferson, in whose works the letter is published, taken, as *he says*, from a *press* copy.

On comparing them, it will be seen, that, beside other differences, the paragraph in italics is omitted in his press copy. Appendix.

† Jefferson's Works, iii. 329, June 12, 1796.

Great Britain had objected, that an article of a treaty with certain Indians contravened that recently concluded with her. Indignant, after the great efforts made and difficulties overcome, that so trivial an exception should be taken, again jeopardy the peace of the country, Hamilton writes to the Secretary of the Treasury,*—

"The British ministry are as great fools, or as great rascals, as our Jacobins, else our commerce would not continue to be distressed as it is by their cruisers; nor would the Executive be embarrassed as it now is, by the new proposition. Not knowing the precise form of that proposition, I cannot have an opinion what is right on the part of the Executive. But, if I understand it, it ought to be sufficient for the Executive to declare, that the article in the treaty with the Indians can never operate, nor will be permitted to operate, in contravention of the treaty with Great Britain. It relates to a right reserved for our benefit, which we can, and will, waive; and, being in a treaty of subsequent date, it naturally gives way to another of prior date, with which it is inconsistent. The Executive ought to be careful about admitting the propriety of a new condition, though it ought to be ready to give all due satisfaction. It should not even shun a new explanatory article, if reasonable in itself, but should agree to it upon the strength of its own reasonableness, not as a new condition foreign to the treaty. This affair requires great attention; but, as I said, I do not know enough to give advice worth much.

"Yet the Government must take care not to appear pusillanimous. I hope a *very serious* remonstrance has long since gone against the wanton impressment of our seamen. It will be an error to be too tame with this overbearing cabinet."

This advice was given amid all the excitement growing out of the violent proceedings of the House of Representatives. An explanation of this ill-timed demand of the British government was subsequently made. In all Hamilton's correspondence, but one other instance exists of his using terms so harsh; and these terms he used to-

* Hamilton's Works, vi. 107, April 20, 1796.

wards a government to which his adversaries dared to proclaim he was subservient.

The intolerant denunciations of the Federal party, and the servile policy of the Democratic leaders drew from Hamilton these warm remarks, published at this time :—

"There is a set of men, whose mouths are always full of the phrases, *British faction, British agents, British influence.*

"Feeling that they themselves are interested in a foreign faction, they imagine that it must be so with every one else; and that whoever will not join with them in sacrificing the interests of their country to another country must be engaged in an opposite foreign faction: *Frenchmen* in all their feelings and wishes, they can see in their opponents nothing but *Englishmen.* Every true *American,* every really independent man, becomes in their eyes, a British agent, a British emissary.

"The truth is, that there is in this country a decided *French faction,* but no other foreign faction. I speak as to those who have a share in the public councils, or in the political influence of the country. Those who adhered to Great Britain during the Revolution may be presumed generally to have still a partiality for her. But the number of those who have at this time any agency in public affairs is very insignificant. They are neither numerous nor weighty enough to form in the public councils a distinct faction. Nor is it to this description of men that the phrase is applied.

"The satellites of France have the audacity to bestow it upon men who have risked more in opposition to Great Britain, than but few of them ever did; to men who have given every possible proof of their exclusive devotion to the interests of their own country."

"Let facts speak.* The leaders of the French faction during the war managed to place the ministers of this country abroad in a servile dependence on the ministry of France; and, but for the virtuous independence of these men, which led them to break their instructions, it is very problematical whether we should have had as early, or as good a peace as that we obtained. The same men during the same period effected the revocation of a commission which had been given for making a commercial treaty with Great Britain, and again, on the approach of peace, defeated an attempt † to produce a renewal of that commission, and thus lost an opportunity known to have been favorable for establishing a treaty of commerce with that country; though they have since made the obtaining of such a treaty the pretext for reiterated attempts to renew hostilities with her. The same men have been constantly laboring from the first institution of the present government to render it subservient, not to the advancement of our own navigation, not to the advancement of our own manufactures, but to the advancement of the navigation and manufactures of France.

"Is a plan proposed which aims at fostering our own navigation, and elevating our own manufactures by giving them advantages over those of *all foreign nations?* A thousand obstacles occur — a thousand alarms are sounded — usurpation of ungranted powers — designs to promote the interests of particular parts of the Union at

* Hamilton to Wolcott, Hamilton's Works, vi. 57, 74.

† "Shortly after the arrival, in this country, of the preliminary articles," Hamilton "made a motion in Congress, to renew the commissions to negotiate a treaty of commerce with Great Britain, a committee was appointed to prepare one, with instructions, of which Madison was one. The Committee never reported." Hamilton's Works, vi. 58.

the expense of other parts of it, and innumerable spectres are conjured up to terrify us from the pursuit. Is the project to confer particular favors upon the navigation and manufactures of France, even at the expense of the United States? Then, all difficulties vanish. This is the true and only object of the Constitution. For this it was framed. By this alone it can live and have a being. To this precious end, we are assured, the States who may particularly suffer, will be willing to sacrifice. In this holy cause, we are to risk every thing; our trade; our navigation; our manufactures; our agriculture; our revenues; our peace. Not to consent is to want spirit; to want honor; to want patriotism.

"Thus does Gallicism assume the honorable garb of patriotism!"

CHAPTER CXXVII.

The settled policy of the majority of the House to defer the necessary public business, until after the fate of the British treaty should be ascertained, has been stated.

The bill as to the Naval armament had reduced the number of frigates to be completed from six to two. The report on this subject censured the President for having enlarged the size of the vessels so as to carry forty-four guns.* The Senate, convinced from the disposition manifested in the other body, that the necessary appropriations would not be granted to complete the original number of vessels of war, was content to insist that three frigates be constructed. The House reluctantly yielded its assent.†

The bill for the reduction of the military establishment had been founded on a report from Baldwin, that it ought to consist of the corps of artillerists, engineers and of four regiments of infantry,—the whole to be under the command of a Brigadier-general.

That, at such a moment, after a victory which had

* He nevertheless, intent upon this important object, transmitted to the House of Representatives a special message, stating the loss that would accrue from the sudden interruption of the work and dispersion of the workmen.—Marshall, v. 665.

† "The Constitution," "The United States," and "The Constellation" were the three constructed.

produced such important benefits to the country, the Commanding officer should be displaced by abolishing his rank; was too gross a sacrifice to party considerations to be sanctioned. The Senate would not lend itself to this procedure. They yielded to a reduction of the establishment, upon the sole condition, that this indignity should not be offered to Wayne. The office of Major General was retained.

Under such influences as directed the action of the House, innovations on the fiscal system were to be anticipated. A great effort was made to repeal the act levying an internal revenue from spirits distilled within the United States. It was retained by a majority of two votes, but an act for its more effectual collection was defeated. A small meeting was called in Philadelphia, at which insidious resolutions, placed in the hands of a manufacturer of the article, inveighing against the duty on snuff, were adopted. Soon after, a motion to suspend the collection of it, offered by Gallatin, passed the House. In the Senate, it was proposed to retain this duty, but to reduce the rate. This was rejected, and the duty was suspended. Of the indirect taxes which had been recommended, that increasing the tax on pleasure carriages was alone retained, after a vehement debate.

It has been mentioned, that instructions to prepare a system of direct taxation had been given, without committing the majority to adopt it. This system was held up as an object of popular displeasure. "What," without comprehending the motives of the leaders of the Democratic party, the people would ask, "What can be the merits of that fiscal system, which exhausting all other proper objects of revenue, leaves us no alternative, but the imposition of excises and stamps, or the oppression of a direct tax?"

Conferences were held with the Bank of the United States to ascertain, whether it required the payment of the whole amount of their loan due by the Government. The situation of Europe rendering necessary the exertion of all its means to sustain private credit, the Bank asked payment. To meet this debt, an act was introduced authorizing the Commissioners of the Sinking Fund to borrow five millions of dollars to be applied to the payment of the Banks and the instalments of the foreign debt, at six per cent., but with a proviso that the stock should not be sold under par. After the acceptance of an amendment of the Senate making the new loan reimbursable at pleasure after the year eighteen hundred nineteen, the House consented, lest otherwise the government should be without funds, that half the new stock might be sold under par.

One of the provisions of this bill authorized the Commissioners to sell two millions of the stock originally subscribed by the government to the Bank. This provision Hamilton deprecated, and immediately addressed a letter to Wolcott dissuading it.

Sensible of the consequences to the institution, the Bank offered to accept the payment of one-half of its debt, provided the Government would retain its interest in their capital stock. The passage of the bill authorizing the sale was nevertheless insisted upon by Gallatin, and it was carried by a strict party vote.

Alarmed at this contemplated violation of the public faith, Hamilton immediately wrote to Wolcott:

"I perceive Congress are invading the Sinking Fund system. If this goes through, and is sanctioned by the President, the fabric of public credit is prostrate, and the Country and President disgraced. Treasury bills and every expedient, however costly, to meet exigencies must be preferable in the event to such an overthrow of the system."

Two days after, he wrote to Washington:*

"I am almost afraid to appear officious in what I am going to say but the matter presses so deeply on my mind, that fearing you may not recollect the situation of the thing, and that it may happen not to be brought fully under your eye, I cannot refrain from making the suggestion to you. It regards a bill which, I am told, has lately passed the two Houses of Congress authorizing a sale of *bank stock* for paying off a sum due to the bank. You will perceive by the eighth and ninth sections of the act entitled 'An Act making further provision for the support of the public credit,' and for the redemption of the public debt, passed the third of March, seventeen hundred ninety-five, that the dividends of the bank stock are appropriated to the Sinking Fund with all the force and solemnity of which language is capable, and that to divert them in the manner proposed (and this too without any substitute in the act which so diverts) will be a formal, express and unequivocal violation of the public faith, will subvert the system of the Sinking Fund, and with it all the security which is meant to be given to the people for the redemption of the public debt, and violating the sanctity of an appropriation for the public debt, will overturn at once the foundation of the public credit. These are obvious and undeniable consequences; and, though I am aware, that great embarrassments may ensue to the Treasury, if the bill by the objection of the President is lost, and no substitute for it takes place towards the reimbursement of the bank, yet I am sure no consequences can ensue of equal moment from the rejection, as from the principle of the bill going into execution.

"All the President's Administration has effected for establishing the credit of the country will be prostrate at a single blow. He will readily make all the necessary comments upon this position. It grieves my heart to see so much shocking levity in our representative body."

The veto was not interposed.

It has been seen, that the sale of prizes in American ports, had been a source of great embarrassment to the Administration. It had been permitted only because

* June 1, 1796.

there was no law to prevent it. A bill was now introduced to prohibit it, which passed the House. Lest an exception might be taken, that this prohibition would be a violation of the treaty with France, an amendment was inserted by the Senate, that "nothing in this law shall operate against any existing treaty." While it was under the consideration of that body, a remonstrance against its passage was interposed by Adet. An answer was given by Colonel Pickering, conclusive against the right claimed by France. When the bill was returned by the Senate to the House, it was contended by its supporters, that it was a measure of prudence; that the amendment of the Senate made no difference in the principle, and it was hoped, as they had previously passed it, they would not be so versatile as now to postpone it. But the objection of the French Minister changed the opinions of the Democratic leaders. Gallatin, Giles and Madison strenuously insisted on the postponement of this act, the sole object of which was to preserve the neutrality of the country, and to enable it to fulfil its treaty stipulations. They contended, that it was unnecessary; that the probability of a war between Great Britain and Spain was small, and, as it approached very nearly to an encroachment upon existing treaties, that it might give offence to some of the belligerent powers, with whom they desired to be on good terms. The bill was postponed!!*

* In the correspondence connected with the "Declaration of the Queen"—Victoria, previously referred to—of March 28, 1854, it is seen, that both England and France asked the Government of the United States, "in the spirit of just reciprocity, to give orders that no privateer under Russian colors shall be equipped or victualled, or admitted with its prizes in the ports of the United States, and also that the citizens of the United States shall rigorously abstain from taking part in armaments of this nature, or *in any other measure opposed to the duties of a strict neutrality.*" Crampton to Marcy, April 21, 1854. Sar-

A part of the territory south-west of the Ohio had applied to become a member of the Union, having assumed the name and functions of the State of Tennessee. The Senate had refused a seat to persons who had been elected to their body by this territory, on the ground, that this region was not then entitled to be admitted into the Union.

By the act for its government, it was necessary, that it should be laid out by Congress into one or more States. The enumeration of the inhabitants was also to be ascertained by a census, to be taken under the authority of the United States, to determine the number of *free* inhabitants, which must have amounted to sixty thousand. Neither of these requisitions had been observed. The enumeration was made by an act of the territory, and it embraced all the people, including those casually within it. To obviate these objections, a bill was recommended, laying out the whole of the territory ceded by North Carolina, into one State; and providing for an enumeration of its inhabitants pursuant to the general act of Congress for taking a census.

The original bill, when returned from the Senate, was referred to a committee of the House, of which Giles was Chairman. His report did not controvert the Constitutional objections of the other branch of the legislature, but recommended the admission of the territory as a member of the Union. This report was supported by Gallatin, Giles, Madison, Nicholas; and an amendment was offered to dispense with the previous enumeration of the inhabitants.

The weight of a new State in the political scale was too important to the Democratic party to be surrendered

tiges to Marcy, April 28, 1854. Assurances were given to this effect, referring to the existing laws to secure neutrality.

to merely Constitutional principles; and, after an effort by Macon, which was opposed on all sides, and received only five votes, to give it a larger representation than it was entitled to, Tennessee became a State on the last day of the Session.*

In a recent discussion as to the finances, Gallatin had affirmed the accuracy of his representation, that there had been an increase of the debt to the amount of five millions of dollars.

Having been previously prevented placing before the nation, as Chairman of the Committee of Ways and Means, an accurate view of the operations of the funding system, William Smith now offered a resolution requiring the Secretary of the Treasury to report at the next Session a statement showing the amount of the public debt on the first of January, seventeen hundred ninety and ninety-one, and also at the beginning of the year ninety-six, in such detail and with such debits and credits as would give the actual state of the Treasury.

In the course of his remarks on the object of this resolution, Smith again asserted, that there was an excess of two millions in favor of the Government, and that, even on the principles of Gallatin's calculation, his result was indefensible.

On the first of June this important Session of Congress terminated.

Beside the laws previously mentioned, an act to regulate the intercourse with the Indian Tribes and for the protection of the frontiers, and a bill for the relief and protection of American Seamen were passed. A bill to provide for the foreign intercourse of the United States met with much opposition. The provisions for this branch

* American State Papers, "Miscellaneous," page 150.

of the public service had been so insufficient, probably with a view to limit the patronage of the President, that he was obliged by special message to ask an increased appropriation. Thus sanctioned, it was not withheld.

An amendatory act to establish Post Roads, containing a provision for surveys with a view to their construction suggested by Madison, but in opposition to Jefferson's views, was postponed by the Senate. A better organization of the Militia system was sought to be made, but the House would not consider it. A bill to establish an uniform Bankruptcy throughout the United States was reported by Giles and passed through two readings, but was not further acted upon.

Previous to the close of the late discussion on the finances, Jefferson, in a letter to Madison, after stating that "Hamilton's object from the beginning, was to throw the finances into forms which should be utterly undecypherable," observed:

"I ever said he did not understand their condition himself, nor was able to give a clear view of the excess of our debts beyond our credits, nor whether we were diminishing or increasing the debt." He then added, "my own opinion was, that from the commencement of the Government to the time I ceased to attend to the subject, we had been increasing our debt about a million annually. If Gallatin would undertake to reduce this chaos to order, present us a clear *view of our finances*, and put them into a form as simple as they will admit, he will merit immortal honor."*

This hint was decisive with Gallatin; and he took this occasion to exhibit his sketch of the finances.

The section, in the bill making provision for the payment of part of the debt to the bank of the United States, to borrow five millions of dollars, was inserted in pur-

* Jefferson's Works, iii. 320. March 6, 1796.

suance of a report of the Committee of Ways and Means. Gallatin proposed, that the loan should not exceed one million one hundred thousand dollars. This proposition he supported at length.

His speech had two objects;—one to prove that the public debt had increased since the establishment of the system of finance. The other, that the debt to the Bank ought not to be paid.

The mode of proving that the debt had increased excited not a little astonishment. The Government was charged with nearly two millions for accumulations of interest which had occurred *before* the system *began* to operate.

By the terms of the funding act, the payment of interest was not to commence till certain periods; and the interest which should accrue from the thirtieth of December seventeen hundred ninety till those periods, was to be added to the principal and funded at three per cent. The interest thus accrued was stated as an *increase of debt* under the operation of the system of finance.

The Government was also charged as an increase of debt, with certain accumulations of interest on the "Assumed debt," to a large amount, which had been charged to the respective States, in the settlement of their accounts with the United States, and were consequently discharged. Several hundred thousand dollars which had been paid off by the interest of the debt purchased by the sinking fund were omitted.

The stock purchased, whenever purchases were made, was transferred to the Commissioners of the Sinking fund, who continued to receive the interest and invest it in new purchases. This interest and the purchases made with it were entirely omitted.

While the Government was charged with every cent

it owed, it was not credited with the moneys due to it, amounting nearly to five millions of dollars. It was only credited with the sums paid for the purchase of stock, instead of the amount of stock actually purchased. Six per cent. stock having been frequently purchased below par, the whole difference between that price and par was a reduction of so much debt, and a clear gain to the Treasury. Yet this gain was not estimated.

Notwithstanding these obvious errors, Gallatin stated, as the result of his "View of the finances," that the nation was one year's revenue in debt; a result, which if it had been correct, would not cause surprise, as its expenses commenced nearly a year before its receipts, which were unavoidably anticipated from year to year, but it was wholly erroneous.

As to the demand of the Bank, it was averred, that the debt ought not to be paid, for the reason that when the Bank made its loans to the Government, it was the understanding, that they should not be paid when they fell due, but would be extended. The Bank denied this averment, produced their contract with the Treasury department, and asked on what ground that contract could be violated.

Referring to these statements, Smith asked to resume the debate on the finances. "He was the more desirous of doing this," he remarked, "from the very long representation by the gentleman from Pennsylvania yesterday; a representation tending to mislead the public, and which he thought it his duty flatly to contradict, and to show that his calculations and conclusions were totally unfounded. If this subject was not now considered, he wished to read a statement of their finances, by which he would prove they were now in a better state than in Sev-

enteen hundred ninety-one by two millions. Permission to read this statement was refused!

The jealousy which Hamilton's influence had excited among the leaders of the opposition, was increased by the issue of late events. They knew that with him the mission of Jay had originated; that, by his efforts the conditional ratification of the treaty had been carried in the Senate; that by him the course of Washington had been advised; that his writings had dispelled many of the doubts which had obscured the public mind; and that his incitements had produced much of the vehement impulse which compelled their party to abandon the bold and desperate usurpation they meditated.

To this growing jealousy other incentives were added. To his influence they imputed the defeat of a favorite and the success of an obnoxious appointment.

Who should be the successor of Jay as Chief Justice was truly a matter of great moment; but amidst the intense anxiety which had arisen whether the President would or would not ratify the treaty, it does not seem to have received due consideration. Anxious to fill the vacancy previous to the approaching session of the Supreme Court, this distinguished office had been conferred by him upon John Rutledge, who had before resigned his seat on the bench.

This selection is believed to have been unknown to, certainly was not approved, by a majority of the Cabinet. Great as Rutledge's early public services had been, he was subject to an insuperable objection. His habits had shattered his intellect.

No instance had occurred of a rejection by the Senate of any previous nomination to any of the great offices. The question whether this was a proper instance for the

exercise of this conservative power was submitted to Hamilton.

Rutledge had recently been conspicuous in opposition to the treaty. To that cause his rejection might be attributed, and would be imputed.

"The subject," Hamilton replied, "is truly a perplexing one, my mind has several times fluctuated. If there was nothing in the case but his recent imprudent sally upon a certain occasion, I should think the reasons for letting him pass would outweigh those for opposing his passage. But, if it be really true that he is sottish, or that his mind is otherwise deranged, or that he has exposed himself by improper conduct in pecuniary transactions, the bias of my judgment would be to negative; and as to the fact, I would satisfy myself by careful inquiry of persons of character who may have had an opportunity of knowing. It is now, and in certain probable events will still more be of infinite consequence, that our Judiciary should be well composed.

"Reflection upon this, in its various aspects weighs heavily on my mind against Mr. Rutledge, upon the accounts I have received of him, and balances very weighty considerations the other way."

The importance of exhibiting an approval of this act of the President at such a moment, in order to sustain his influence; and the greater importance of avoiding to furnish a pretext to the opposition, by which his feelings might be wounded, were outweighed by the intrinsic objections to the individual nominated. Rutledge was rejected; * and the appointment was given to one, not unworthy of this distinguished place,—to Oliver Ellsworth.

Intelligence of the first selection was received with

* Jefferson to Monroe, March 2, 1796. "The appointment of J. Rutledge to be Chief Justice seems to have been *intended* merely to establish a precedent against the of that office by seniority, and to have five mouths always gaping for a sugar plum, for it was immediately negatived by the very votes which so unequivocally concur with the will of the President." [The blank is for an illegible word in the press copy.]

great satisfaction by Jefferson. It offered him a gleam of hope that he might exert an influence over the Judiciary, which, in the firm and independent exercise of its high functions, had hitherto shown itself far above the reach of all party or local considerations. A division of opinion on the questions soon to be decided—the Constitutionality of the "Carriage tax" and the obligations to British creditors would be peculiarly acceptable to Virginia. In this crisis, which he foresaw, it might be of infinite importance to have an uncertain Chief Justice.

While exhibiting himself to a brother of Rutledge as "an antediluvian Patriarch among his children and grandchildren tilling his soil," Jefferson had denounced the late treaty as "an execrable thing, as an infamous act, really nothing more than a treaty of alliance between England and the Anglomen of this country against the legislature and the people." *

Great was his disappointment at this rejection by the Senate. It was attributed publicly to the influence of Hamilton, either because it was so believed, or to awaken the jealousy of the President. Jefferson writes: "The rejection is a bold thing because they cannot pretend any objection to him but his disapprobation of the treaty. It is of course a declaration that they will receive none but Tories hereafter into any department of the government." †

After the conclusion of the treaty with Spain, Thomas Pinckney returned to London. In the difficult situation in which he had been placed, his conduct was marked with all the firmness, discretion, and just sensibility to the injuries of his nation; with the independence and disinterestedness to have been expected in one whose patriot-

* Jefferson, iii. 317. † Ibid., 320.

ism had hazarded a large estate, and who had lived in arms for his country.

Induced to accept office by the highest public considerations, he had never asked it; and as soon as he saw that he could retire with dignity, he intimated to the President his wish to be recalled.

This purpose was communicated by Rufus King to Hamilton, in a letter, relative to overtures which Hamilton had requested Marshall to open with Patrick Henry, to permit his name to be used at the next canvass for the Presidency.

"Mr. Pinckney," King observed, "has asked leave to return home, and waits only for permission. To his former stock of popularity, he will now add the good will of those who have been peculiarly gratified with the Spanish treaty. Should we concur in him, will he not receive as great, perhaps greater Southern and Western support than any other man?

"You must know," he remarks, "that I am not a little tired with the separation from my family and drudging in the Senate. The work before us being finished, I think I am entitled to a dismission. It would be agreeable to me to spend a few years abroad, and if I do not misconceive the interests of the country, I think I could render some service to the public at the present period in England. Will you converse with Mr. Jay on this subject. I can, *through no other channel*, communicate with the Executive; nor do I desire that either of you should suggest the measure, unless you both agree in its propriety and utility."

Hamilton replied:* "I am entirely of opinion, that Patrick Henry declining, Mr. Pinckney ought to be our

* May 4, 1796.

man. It is even an idea of which I am fond in various lights. Indeed on later reflection, I rather wish to be rid of Henry, that we may be at full liberty to take up Pinckney. In the event of his return to this Country, I am of opinion all circumstances considered, it is expedient you should replace him. I hope no great question will in a short period agitate our Counsels, and I am sure you will do much good on the scene in question. I have called on Jay, but happened not to find him disengaged. I shall quickly see him, and shall, with great pleasure, do every thing requisite on my part."

"The election in the City of New York," he continued, "has succeeded; all accounts assure us of great success throughout the State.

"The *vile affair* of whipping Burke and McCready made our election in the view of the common people a question between the rich and the poor. You will easily conceive how much that event must have embarrassed and jeoparded."

This "vile affair" was the infliction of personal chastisement by order of a Bridewell Court for insolence to an Alderman. A petition was presented to the Legislature of New York for an investigation, as the basis of an impeachment. Seeing how warmly party feeling had entered into this question, Hamilton called on General Morton, then a member of the Assembly and most worthy man, and remarked to him with emphasis: "My friend, let no party or personal considerations induce you to violate that integrity which belongs to the character of the Federal party." He subsequently consented to act as counsel for the sufferers.

Jay thought that King should not leave the Senate. Hamilton immediately recommended the appointment. Washington answered:

"With respect to the gentleman you have mentioned as successor to Mr. Pinckney, there can be no doubt of his abilities, nor in *my mind*, is there any of his fitness. But you know, as well as I, what has been said of his political sentiments with respect to another form of government; and from thence can be at no loss to guess at the interpretation which would be given to the nomination of him. However the subject shall have due consideration; but a previous resignation, would, in my opinion, carry with it too much the appearance of concert and would have a bad, rather than a good effect."

In reply to a letter of the President on another subject, Hamilton wrote:* "I observe what you say on the subject of a certain diplomatic mission. Permit me to offer with frankness the reflections which have struck my mind.

"The importance of our security and commerce, and of a good understanding with Great Britain renders it essential that a man *able* and not disagreeable to that government should be there. The gentleman in question, equally with any one who could go, and better than any willing to go, answers this description.

"The idea hinted in your letter will apply to every man fit for the mission by his conspicuousness, talents and disposition. 'Tis the stalking horse of a certain party and is made use of against every man who is not in their views, and of sufficient consequence to attract their obloquy. If listened to, it will deprive the Government of the services of the most able and faithful agents. Is this expedient? What will be gained by it? Is it not evident, that this party will pursue its hostility at all events as far as public opinion will permit?

"Does policy require any thing more than that they shall have no real cause to complain? Will it do, in deference to their calumniating insinuations, to forbear

* May 20, 1796.

employing the most competent men, or to intrust the great business of the country to unskilful, unfaithful, or doubtful hands? I really feel a conviction, that it will be dangerous, to let party insinuations of this kind prove a serious obstacle to the employment of the best qualified characters." The letter closed with a commendation of King.

Washington's objections to this appointment were not merely of a public nature; he had conceived a strong dislike to King, but, sedulous of the public good, the President now acquiesced in Hamilton's wishes. He wrote to Pinckney:

"The doubtful issue of the dispute and the real difficulty in finding a character to supply your place at the Court of London, has occasioned a longer delay than may have been convenient or agreeable to you. But, as Mr. King of the Senate, who, it seems, had resolved to quit his seat at that Board, has accepted the appointment, and will embark as soon as matters can be arranged, you will soon be relieved."

Early in the year Hamilton's attention was directly called to a subject in which his sensibilities had been deeply engaged. A letter from his friend * in Europe who had a chief agency in promoting and in providing the funds for undertaking the liberation of La Fayette from the prison at Olmutz, introduced to him Bolman, a German gentleman, who, with Huger of South Carolina, made the hazardous and nearly successful attempt. Impressions had been given to Bolman, that La Fayette's imprisonment had been prolonged, from an apprehension of the British Ministry, that, if released, he would repair

* John B. Church, Esq., a gentleman of great liberality, who rendered important services to the United States in the War of the Revolution. He also aided Talleyrand in his distress and exile, and on his return to his native country was elected a member of Parliament.

to the United States, and there lend himself to the influence of France.

Hamilton entered ardently into the project, and requested him to submit to him his plan for the liberation of his friend. This plan proposed the confidential mission of a special agent to Prussia, or Denmark; and a letter from the President to the Emperor of Germany. Hamilton gave Bolman a letter recommending him to the patronage of Washington, and subsequently enclosed to him the draft of a letter to the Emperor of Germany to be communicated through Pinckney.*

He also had it in his power at this time to render a service to an old comrade, the unfortunate Fleury, who wrote to him from Paris:

"I hope you have not quite forgotten an old friend of yours, almost escaped the misfortunes of our bloody revolution. I have preserved, till now, my head, but lost the greater part of my fortune; and my most assured and important property is now, what is due to me from the United States. I have run so many dangers that I have not dared to take any information; and I depend now on your friendship, and hope you will not refuse your useful services to your distressed friend. Adieu. Be happy as much as I desire and you deserve."

To that scene of terror, perfidy and guilt, gallant, great, but unhappy France, this narrative now must turn.

* This draft was by Mr. Jay. Washington's Writings, xi. 125.

CHAPTER CXXVIII.

THREE days after the execution* of Robespierre, Monroe arrived in France.† That he had not reached there at an earlier period, was regarded as a fortunate event, by his predecessor, who informed Washington, that Monroe had been "a little too well with that party, to be viewed in a neutral light by their opponents."

He presented his credentials soon after his arrival. No notice was taken of them. A considerable time having elapsed, Monroe became apprehensive, that he would not be received. He cast about as to a mode of overcoming this difficulty. OTTO, who had been in the United States, was Under Secretary to the Department of Foreign Affairs. He had formerly been in communication with Monroe. Through this channel the French might be approached.

After sounding his way, the successors of Robespierre, feeling the importance of being recognized as the Supreme authority of France by a foreign Government, gave an intimation, that a direct Address to the Convention would be well received. Amid joy or sorrow, a dramatic spectacle was ever welcome to the giddy denizens of Paris.

* July 28th, 1794.

† The history of this mission is chiefly derived from a publication by James Monroe, entitled "A View of the conduct of the Executive."

Nor was Monroe reluctant to this novel procedure. On the thirteenth of August, he wrote to the Convention, announcing his mission, as "the representative of their ally and sister Republic."

He stated, that "his object was, to impress on the people of France, who were the government, that resolutions had passed Congress, expressing an interest in France, and that Washington concurred." He was himself informed that he had been selected, "on account of his well-known political character and principles." "In the United States he had moved to suspend the fourth article of the treaty of peace made with Great Britain."

He adverted to the "effect of his public admission on other powers, and that, if his recognition were longer postponed, and were any way connected with the results of the mission to England, it would give to that Country great advantages in the negotiation; and that a farther delay was unbecoming the character of the American government, and inconsistent with our own interest and honor." He asked the Convention to designate the mode of his reception. It was resolved to give to this procedure the greatest eclat. A decree was passed, that he should be received, the following day, in the bosom of the Convention. There, at a moment when the Death-cart of the revolutionary tribunal was rolling incessantly through the streets of Paris, when France was yet under the despotism of that single Assembly, which, in the space of one year, had witnessed so many terrible scenes; and was now governed by a conspiracy, the duration of whose power rested upon the usurpation of a fortnight, Monroe appeared. He expressed his thanks for this distinction, spoke of the similarity of the governments of the United States and France, adverted to their common dangers, and commended the wisdom and firmness of her councils.

At the same time, he presented letters from the Department of State, containing the strongest assurances of regard.

Merlin, the President of the Convention, responded in terms of equal warmth, declared that France looked beyond "a Diplomatic alliance to an Union for ever indissoluble, the safeguard of the liberty of the world." He was impatient to give the fraternal embrace. "I am ordered," he exclaimed, "to give it in the name of the French nation. Come and receive it in the name of the American people, and let this spectacle complete the annihilation of an impious coalition of tyrants." In the name of the French republic, he gave the fraternal kiss, which was received and returned. A minute of this ceremony was ordered to be transmitted to the President of the United States.

Rejoiced to find in the American Envoy dispositions so congenial with their own views, hoping that this ceremony would excite distrusts in Great Britain, and thus defeat the pending negotiation with that power, the revolutionary leaders offered him a residence at the public expense. This the Constitution of his country compelled him to decline. By a special decree, the flags of the United States and France were ordered to be united together, and suspended in the Hall of the convention, "in testimony of eternal union and friendship between the two people."

JAY was alarmed, but the British ministry understood the actors in this scene, and the negotiation at London proceeded with increased celerity.

As Monroe had been appointed by Washington after much hesitation, great caution was intended to have marked his instructions. The tone was Randolph's—the substance wise. The objects to be sought were, satisfac-

tion for the sufferers by the embargo of American shipping at Bordeaux, which was to be accompanied with a remonstrance;—compensation for the captures and spoliations, and for the injuries to the persons of American citizens by French cruisers—repayment of the money advanced to release the Colonists of St. Domingo from famine; and—payment for bills drawn in the French West Indies on the government of France in favor of American merchants.

Particular care was enjoined to avoid every thing by which the neutrality of the United States might be compromised, while assurances were to be given of their continued disposition to maintain friendly relations; and, as he was expressly instructed, that "no aids of men or money" could be rendered, any imputation of the most distant intention to sacrifice the connection with France, to any connection with Great Britain, "was to be repelled with firmness." As to a new treaty of commerce, she was to be informed that such had never been proposed by her minister, and, if urged, that any propositions respecting a treaty of alliance, or the execution of the guarantee of the French Islands were to be referred to the government at Philadelphia.

How these instructions were fulfilled is now to be seen.

The first despatch of Monroe mentioned the probability that the indemnity for the embargo at Bordeaux and compensation for the supplies to St. Domingo would be adjusted. As to the most important matter, the losses and injuries inflicted by the decree of May, seventeen hundred ninety-three, in violation of the twenty-third and twenty-fourth articles of the treaty, it stated that they had been discussed, and a desire expressed by him, that this obnoxious decree should be rescinded. But, at the

same time, though his doors were besieged, and his table groaned with the wrongs of complaining merchants and indignant ship-masters of his country, France was informed by him, that the American minister "was under no instruction to *complain* or *request its repeal;* that on the contrary, he well *knew* that if upon consideration after the experiment made," France "should be of opinion that it produced any solid benefit to her, that the American Government and his countrymen in general, will not only bear the departure with patience, but with *pleasure*." *

The claim for redress was based on the violation of these articles. This violation had been the principal topic of long continued discussion between the two Governments. The illegality of this decree had been admitted by France. Yet, contrary to express instructions, this claim was thus surrendered; the ground taken by the United States abandoned, and a power assumed which did not belong to any one department of the government, of dispensing with these important articles of the treaty. "A measure," Washington deliberately remarked, "adopted, and avowed, which was beyond the powers of the Executive, and for which, if he had exercised them, he might have been impeached."

It was more, it was a concession of a privilege in direct violation of neutrality, which had been complained of by Great Britain, as injurious to her, made during, and of a nature to defeat a pending negotiation, and made on the ground that it produced "a *solid benefit*" to her enemy.

Notwithstanding this unauthorized sacrifice of public and private rights, the next despatch of Monroe stated,

* Monroe's View, pp. 34–5.

that no answer had been received to repeated applications for redress; and that "he should not be surprised to find extraordinary efforts to protract a decision, and even defeat the object in view;" that "the whole commerce of France was carried on by the Government itself, to the absolute exclusion of individuals." After such a concession being volunteered, what other conduct could have been expected from a corrupt government capable of committing such wrongs than a refusal to disgorge its spoils?

A despatch was soon after * received by Monroe from the department of State. It urged an immediate demand of the money advanced for the succor of the indigent refugees from St. Domingo, to which Fauchet had objected as a "disbursement of French money for the support of aristocrats as well as democrats;" the release of American citizens then confined on suspicion in the prisons of France; reparation for the spoliations on the American trade. The last article was "again most earnestly recommended to his anxious attention." He was ordered "to press the *principle*," (that very principle he had been so ready to concede,) "without delay," "to press the rights of our citizens in a manner which indicates that we cannot waive the justice due to us." "In short it is the express instruction of the President, that you diligently inquire into every inconvenience to which our trade has been subjected, to remonstrate strongly upon them, and to represent the facts to us fully and minutely." The decrees were pronounced "gross violations." He was ordered "to speak in a firm and decisive tone." "The French republic will surely never suffer us to be plundered by their citizens."

* July 30, 1794.

The answer of Monroe mentioned repeated delays that the report of spoliations made to him exhibited "a picture which shocked the Committee of Public Safety;" —"for these evils, progressing with the course of their own affairs, were long accumulating, and had probably attained a height of which they had no conception." That he "felt extremely embarrassed how to touch again upon the infringement of the treaty of commerce, whether to call upon them to execute it, or leave that question *on the ground on which he had first placed it.*" "You desired me," he observed, "in your last to contest with them the principle, but yet *this did not amount to an instruction,* nor even convey your idea, that it would be advisable to *demand* of them the execution of these articles. Upon full consideration I concluded, that it was the most safe and sound policy to leave this point where it was before."

This conclusion was drawn from the supposition, "that a refusal would weaken the connection between the two countries, and the compliance upon that motive might perhaps not only produce the same effect, but excite a disposition to press us on other points, upon which it was better to avoid any discussion." As to the St. Domingo claim, he informed his government, that he had "made no formal demand because he wished the other points, which were depending, settled first;" and as to the proposed request of their intervention with Algiers, he had "not known how to act."

He then related the particulars of an interview with a diplomatic committee. Merlin commenced by observing, that "I had advised and pressed them to execute the twenty-third and twenty-fourth articles of the treaty; that they were persuaded their compliance would *be useful to us,* but very *detrimental to them.* It would likewise

be distressing for Frenchmen to see British goods protected by our flag, whilst it gave no protection to theirs; and after making further comments, he finally came to this point; 'Do you insist upon our executing the treaty?' I replied, '*I had nothing* new to add to what I had already said on that head.' Being again asked, 'Do you insist upon or demand it?' '*I therefore repeated my declaration, and in the most explicit terms, that I was not instructed by the President to insist on it, nor did I insist on it;*' that their compliance would certainly be highly beneficial to my country, but that in my observations I had considered the proposition *merely in relation to France, and wished them to do the same.*"

This could only be interpreted as an acquiescence in a total disregard of the treaty as to those important articles. If it was "useful" to his country though "detrimental" to France, still why not demand its fulfilment? His excuse was, that he supposed that the demand of a specific reply was with a view to report it to the Convention as the basis of a call for the fulfilment of the guarantee as to the French West Indies.

Thus far, whatever America might object to the conduct of this minister, there was nothing to be excepted to by France. To her councils the United States had never been presented in an aspect of greater forbearance, mildness, or self-denial.

The last paragraph of his instructions, related to a chief object of Hamilton's solicitude. "Among the great events with which the world is now teeming," it urged, "there may be an opening for *France to become instrumental in securing to us the free navigation of the Mississippi.* Spain may perhaps *negotiate a peace, separate from Great Britain,* with *France.* If she does, the Mississippi may be acquired through this channel, especially

if you contrive to have our *mediation* in any manner *solicited.*"

A communication was soon after received by him from Gardoqui, the object of which was to open a communication between Spain and France. "Aware," he states, "of the jealousy of the French to any interference," he determined neither to deliver Gardoqui's letter to Otto nor to reply to that addressed to himself. After a month, he received a second letter, and then resolved to communicate the whole affair to the Committee, with his views respecting it, and his motives of action. This was regarded in the most favorable manner. His reply to Gardoqui, in accordance with the views of the Convention, advised a direct application to that body, expressing a belief that it would be granted.

His next despatch announced the receipt of this communication—"but," he says, "as there existed 'interfering claims with Spain,' and as she 'was probably in concert with England,' he regarded the movement as an insidious one;" and "as a peace between Spain and France must at that time be prejudicial to the United States," he resolved to suffer himself to be restrained by no unnecessary and false motives of delicacy towards Gardoqui, and to disclose the overture to the Committee of public safety.

The French government were now convinced, that from Monroe they could not ask too much. A special conference was held, in which a loan of five millions of dollars from the United States was asked, "for the purpose of pressing the war against England in particular."

"I told them," Monroe wrote, "I was satisfied, if it was in their power, *it would be rendered;* that I possessed no power, and could only advise of the probability."

This loan Monroe strenuously pressed. He pressed it for the reasons, that "the fortune of France had risen to the utmost height of splendor," and that by her success, "a complete recognition of American rights could be obtained from Britain and from Spain." "No other arrangement," he wrote, "can well be made, than that of lending money to France if in our power." "He urged," he said, "as a man what he pressed as a public minister." To facilitate such a loan he wrote to the Committee of public safety, as a guide for the Envoy they were about to send to Philadelphia. "This loan," he said, "is to be expected from three sources; the General government; the State governments, and from individuals. The French cause and the French nation are greatly regarded in America, and I am persuaded some money may be obtained, and perhaps a very respectable sum, from the three sources above mentioned. In any event, however, I shall be happy to give the minister about to depart, every information and aid in my power in forwarding the object in view."

The obvious effect of this project must have been to place a still larger amount of American property at the mercy of France; to increase the party of creditors, "States and individuals," devoted to her interests. It was a project to furnish "aids" to her enemy at the moment a negotiation was in progress with Great Britain, and which, if this negotiation should be successful, would violate the neutrality it was intended to preserve; if unsuccessful, war being the consequence, would deprive the United States of her own resources, when she most required them.

These encouragements were given, these importunities made in utter disregard of his instructions, that "we were unable to give her aids of men or money." It was the

renewal of a previous overture by Genet, which, though in a much less objectionable form, Hamilton had rejected, making the positive declaration, "that even if it were practicable, the United States could not consent to it, because England would not fail to consider it as an act of hostility."

Monroe's readiness to promote this much desired aid, produced, he supposed, the hoped-for success to his mission. As in the negotiation with Jefferson, France had been deaf until the moment money was in prospect, when every difficulty appeared to vanish; so, under a similar expectation, an arrête was now passed to adjust the Bordeaux and the St. Domingo claims. The only "difficulty" anticipated by Monroe was, as to the payment, whether "in assignats or specie;" but "unless assignats are taken and which are now depreciated, further delay," he said, "would be desired." The commerce of neutrals and allies was not to be disturbed, unless they carried "merchandises belonging to the enemies of the republic." Thus Monroe observed, "Every thing has been conceded that was desired, except the execution of that part of the treaty which gave freedom to goods in ships that were so."

May it not be more justly said, that, by this decree, nothing of value was conceded. The amount of the claims was to be adjusted, but payment was to be made, in a much depreciated medium, which when offered was rejected. The exception as to the neutral trade, if it did not cut off the claim for compensation for spoliations, which constituted the chief grievance of the United States, was a new violation of the "PRINCIPLE" which Monroe had been ordered "to press."

The decree was a flagrant breach of the treaty, and kept open all those questions by which the United States were ultimately involved in war. Free ships, it expressly

provided, should not make free goods, "until enemy powers declared that the merchandises of the French shall be free on board of neutral vessels;" the object of the exception being, that the United States should co-operate with France in imposing a new law of commerce upon Great Britain, or, in the taunting language of Genet, "until she should protect her flag."

As to this principle, Monroe remarked, "If the hope of forcing it upon other nations as a law, is abandoned, I have deemed it of but little consequence." "I am persuaded," he added, "that the execution of this decree will not vary much from the import of the treaty itself; for I cannot think that many of our vessels will be hereafter brought in upon the suspicion of 'having enemies' goods on board."

In return for this boon, Monroe again urged a loan from the United States. "I sincerely wish we may assist them, if possible. I am persuaded the amount expected might be obtained by loan, and I am equally so, that the people would cheerfully *bear a tax*, the product of which was to be applied in aid of the French Republic." A loan and taxes! A loan, when the exertion of the credit of the nation to pay the debt due to France had been denounced by her partisans as "a covered way to monarchy."—Taxes, at the moment, when the subversion of the government was threatened by an insurrection, stimulated by France, against the collection of an excise, pledged to discharge the debt of the Revolution!

In justification of this proposition, he stated, he "had reason to believe that France contemplated to take *under its care*, and to provide, for our protection against Algiers; for the expulsion of the British from the Western posts; and the establishment of our right to the free navigation of the Mississippi, for "an inconsiderable sum" to be

loaned "from our banks, to be reimbursed, *if possible*, by themselves," and to be expended within our own country! —Five millions to be expended by France within the United States after her minister had boasted, that "with some thousands of dollars the Republic could have decided on CIVIL WAR or peace"!

Intelligence was at this time received in Paris, that Jay had concluded a treaty with Great Britain. An interview was soon after again had with the French ministry, at which, to an inquiry as to the objects of the Mission to England, Monroe replied, that "Jay was sent on a special business, only to demand reparation for injuries and *to which his authority was strictly limited.*" His instructions had directed him, in order to repel suspicions, "to declare the *motives* of that mission to be, to obtain immediate compensation for plundered property and restitution of the posts." There was no intimation given of "his authority being strictly limited" to those objects, nor was it to be supposed, after the efforts made by the Democratic party to establish a system of commercial retaliations, that the opportunity would be lost to place the commerce of countries so important to each other on a satisfactory basis.

Monroe resolved on a private interview, and thus wrote to the Committee of Public Safety on the twenty-seventh of December:* "Citizens, I consider it of great importance that you apprise me of the propositions, if any, which you may contemplate to make to the American government. You must be sensible that I will not only give you the best evidence in this respect, but aid you in obtaining your wishes, all in my power. On the other hand, if you should make a proposition to the government which it might not be able to grant, and the

* 1794.

feeling existed that it was done by my advice, it would do an essential injury to you as well as myself. I wish, therefore, that you would commission one of your members to confer freely with me upon these points, and which may be done either in some room of the Committee or here as shall be most agreeable to him. I think I can make myself understood without the aid of an interpreter."

Anxious to obtain the loan, and to take a position in which their determination to defeat this treaty could best be accomplished, on the fourth of January, seventeen hundred ninety-five, a decree was issued by the Directory revoking the exception in the previous decree, as a violation of the existing compact with the United States, passed in the exercise of the right of reprisal, and enjoining an observance of the treaty. This change of policy, Monroe observed, was "much aided by the movements of General Wayne on the frontier, showing, that if we were not in a state of actual war with Great Britain, so neither were we in that of actual peace."

"The reserve," Monroe states, "heretofore shown was in a great measure thrown off." "But," he added, "unhappily accounts were received from England, that Mr. Jay had concluded a treaty with that power of very different import from what I had been taught by my instructions to expect, and had likewise taught the French government to expect would result from his mission."

Become sensible of the position in which he was placed by holding out to France the prospect of a loan, Monroe wrote a despatch, excusing himself. The grounds were, intelligence (he had received from Randolph,) that the negotiation of Jay had failed; that we were on the point of war, or actually engaged in it, with Britain. He admitted, that now, "the object was at an end." He

"doubted whether in peace, the government possessed the power to render this service." He called immediately upon the members of the Committee of Public Safety to whom his communications had been made relating to the loan, and suggested this difficulty to them; and states, that they had anticipated the idea and were prepared to answer it by a peremptory assurance, "that it was not their wish to create embarrassment in this or any other respect; and as to the point in question, that the Minister about to depart to the United States, should be instructed not even to mention it, if your instructions forbade it. So that this business stands upon a footing, as indeed it always did, whereby, under a particular state of things, some benefit may be derived from it, and no detriment under any." The disappointment of this money put an end to all further negotiation. Its subsequent demand and refusal placed the two nations on the verge of a war!

So strong was Monroe's conviction, that justice could only be purchased from the French government, that he still looked, should the treaty with England not be ratified, or that with Spain fail, to this as the mean of securing the friendship of France. This motive ceasing, the tone was now changed. A formal note was addressed to the American Ambassador by the Committee of Public Safety demanding information, as to the fact, of the execution of this treaty. "It is important," they said, "that we know positively in what light we are to hold this affair." "There ought not to subsist between two free people, the *dissimulation* which belongs to courts."

At this moment a letter was received by Monroe from Jay, stating, that the treaty had been concluded; that "it ought not to give any uneasiness to the Convention;" that it "contained an *express declaration* saving all *existing*

treaties, but as it was not yet ratified, it would be improper to *publish it*." This information was not sufficient for France. Monroe "to remove all possible anxiety *promised* to communicate the precise stipulations as soon as he knew them." A subsequent letter from Jay announced his intention to communicate "the principal heads of it to him *confidentially*," authorizing him, "to say explicitly, that it contained nothing repugnant to our engagements with any other nation."

Monroe, in fulfilment of his promise, despatched a messenger to London, who bore a letter from him to Jay, stating: "It is necessary however to observe, that as nothing will satisfy this government but a copy of the instrument itself, and which as our ally, it thinks itself entitled to, so it will be useless for me to make it any new communication short of that. I mention this, that you may know precisely the state of *my engagements* here, and how I deem it my duty to act under them in relation to this subject."

What was there in the treaty of alliance, which "entitled" France to be informed of the terms of a treaty with another power, and that even before they were known to the Government of the United States? What would have been her reply to such a demand on their part? Yet this was suggested to Jay as a reason by Monroe for acceding to the requisition. A demand so peremptory, in terms so offensive, indicates the impression he had made on the Councils of that nation.

The answer of Jay now assumed a different tone. He refused a copy of the treaty for such a purpose on the ground, that:

"The United States, as a free and independent nation, had a right to make pacific arrangements with other powers, if not repugnant to prior engagements with other States; that he had intended to com-

municate some of its most interesting particulars in perfect confidence, that it did not belong to ministers to publish treaties even when perfected, much less treaties not yet completed, and remaining open to alteration and rejection." He pronounced the uneasiness of France as implying "a want of that confidence in the honor and good faith of the United States which they certainly merited;" that the "respect" due to his country and his "obligations to preserve it will not permit him to give, without the permission of their government, a copy of the instrument in question to any person or for any purpose, and by no means for the purpose of being submitted to the consideration and judgment of the councils of a foreign nation, however friendly."

To this letter, Monroe did not reply.

Prompted by motives of delicacy, Jay soon after wrote to him, that his private secretary, rather than furnish written extracts, would inform him personally of its contents, "*in perfect confidence*, that he would not impart it to any person whatever." This information was received from this secretary by a third person, and given to Monroe. "I made of it," he stated afterwards, "all the use which a paper so informal would admit of." "The *paper was presented* to Merlin de Douay with the comments suggested!" *

Extremely restive under the reproof of Jay, Monroe complained of it to the Government. In the same despatch, he said, "*Good use* might have been made of the information;" and if he had received it, he would have

* Monroe to Madison: "It was mentioned by some person to Merlin Douay, that Hamilton and Knox were going out of office, and he instantly replied, he would have it inserted in the bulletin and communicated to the departments, as an event auspicious to France as well as to America. This however was prevented. . . . On my first arrival, I found our affairs in the worst possible condition—the treaty between the two republics violated—our commerce was harassed in every quarter and in every article, even that of tobacco—our seamen taken on board our vessels were often abused, generally imprisoned, and treated in other respects like the subjects of the powers at war with them."

declared from his own knowledge, that the treaty did not interfere with the engagements with France; but that being a mere project, subject to rejection, it ought not to be published.

It is not easy to reconcile the last observation with the fulfilment of his previous promise, "to communicate the precise stipulations as soon as he knew them," nor with the fact that the paper containing the outlines of the treaty was presented by him to Merlin.

About the time of this correspondence with Jay, a despatch was received from the Department of State. It rebuked the zeal Monroe had manifested towards France; contested his allegation that he had no instructions to complain of or to request a repeal of the decree violating the treaty; stated, that that violation furnished the only cause or pretence for asking relief; and urged him to remonstrate against it without delay.

Among the circumstances which would probably attract attention was the suggestion in one of his letters of a concert with Denmark and Sweden in favor of neutral rights, which is seen to have been proposed by Randolph, and overruled by Hamilton. Randolph now apprised him, "as to his intimation relative to a certain concert, that the step is viewed here as a very strong one." This censure was soon after repeated. "You will have been informed, that '*the step is viewed here as a very strong one*,' and notwithstanding the rapid successes which have attended the arms of our ally, we steadily direct our course to the character of neutrality, which we profess, and therefore, the more it is examined, the stronger it appears. The *invariable* policy of the President is, to be as independent as *possible*, of every nation upon earth; this policy is not assumed now for the first time, but it is

wise at all times, and if steadily pursued, will protect our country from the effects of a commotion in Europe."

This contemplated concert having failed, the attention of France was now called to an opposite point of her widely-extending policy. The campaign of Seventeen hundred ninety-three, had resulted, on the whole, favorably to Spain. This only produced more vigorous efforts by her enemy.

During the winter, France had more than seven hundred thousand men under arms, more than twice the total force of her opponents. Prussia seceded from the confederacy; and thus a larger force was at her disposal to act against Spain. The clergy and nobility of that unhappy country, true to the independence of the crown, had exhausted all their efforts to raise the necessary means of resistance. But the oppressed peasantry were slow and discontented. The incessant spirit of proselytism had reached the great mass of the nation; and, of those who came into the field, her numbers exhibited only tumultuous processions of discontented bigots against armies of enthusiasts.

The contest was protracted through the summer by the strength of position, but in the autumn decisive victories were obtained; and, soon after, the French were in possession of the great provinces of Biscay and Catalonia. Alarmed at the near prospect of being overrun, Spain opened a negotiation, which was in progress at the moment, when Pinckney reached Paris on his route to Madrid.

To induce France to promote the objects of this mission, Monroe urged him to show to the Committee, a copy of the recent treaty with Great Britain, as nothing else would satisfy them. This Pinckney declined, and proceeded to his destination.

But it was not the policy of France to aid the United States, except in subservience to her own interests. In the first interview with Pinckney, the Prince of Peace proposed a triple alliance between France, Spain, and the United States. This proposition being rejected, no further interposition is seen on the part of the French. Instructions, it has been stated, had gone to the French Envoy at Madrid, to leave the adjustment of the affairs of the United States with Spain to the minister therewith charged.

A treaty concluded at this time, by which Spain ceded Hispaniola to France, and engaged to detach Portugal from England, transferred her apprehensions as to her American possessions from France to Great Britain. With the latter, war appeared inevitable, and alarmed, lest under the influences of the treaty of Jay, by the co-operation of that power, her possessions on the borders of the Mississippi might be wrested from her, Spain, it has been seen, entered into a treaty with the United States.

Monroe understood the policy of the National Convention. Having failed to obtain from Pinckney a copy of the treaty, from that period, "he never mentioned to the Committee of Public Safety the subject of the dispute with Spain." In reply to his proposition for a treaty with her in concert with France, he had been informed that the action of the latter, "will depend much on the conduct which the American government will observe in regard to the treaty which its minister Jay, has concluded with England."

The uneasiness of France in relation to this Treaty had induced the United States, to cause explanations to be transmitted to Monroe of its general objects, in order that they should be submitted to the French Convention,

even before it was laid before the Senate. Not content with these general explanations, explicit assurances were given, that "the obligation of all previous treaties was expressly saved." The Government went farther. Randolph was directed to prepare a full review of the conduct of the United States in relation to the belligerent powers from the commencement of the existing war.

If not, in all points, the strongest, it was a sufficient vindication. It particularly dwelt upon, and rebuked the extraordinary pretension, that, as "an ally, France was entitled" to be informed of the objects of the negotiation with England. "When we expressed," he remarked, "a wish to remove all jealousy with respect to Mr. Jay's mission, it could not have been intended to abandon self-dignity, by submitting to the pleasure of France any part of his instructions with which France had no concern. A contrary conduct would have been irreconcilable also, with the independence of the United States, and would have put them into leading-strings. It would have been little short of trepidation under a master." He mentioned, "information that the French minister is concerting an attack on the ratification of the treaty, and that sentiments no less eccentric, than fatal to our independence are to be scattered at random, from a confidence in the popularity of the French cause." "Be the issue as it may, our government will neither renounce its professions and friendly conduct to the French republic, nor ascribe them to any intemperateness which their agent may display. But you ought to put them on their guard."

Whence had all the solicitude to obtain a copy of the treaty proceeded, if not to determine whether it had adjusted or left open the subsisting causes of irritation with Great Britain; whether it was expedient to prevent its

ratification. In this uncertainty, Adet was despatched to Philadelphia, with instructions, as has been seen, to profess a desire to form a treaty of commerce.

During his absence and until the result of his intervention was known at Paris, the Committee of Public Safety observed an entire silence on the subject. As if their design was to lull the American government into perfect security, as to the objects of his mission, not another complaint was uttered. Earnest and repeated as had been his instructions to put them "on their guard;" "to remove all their jealousy," not a syllable was whispered by Monroe.

Information had in the mean time reached him that the British order of June seventeen hundred ninety-three was revived; and that many American vessels had been captured. Strong hopes were now indulged by him that a war between that power and the United States was inevitable.*

Monroe indicated to his Government the probability that Denmark and Sweden would form a coalition with France and Holland. Having portrayed the consequences of this concert, he observed, "Peace is a blessing which ought not to be wantonly thrown away. But whether sufficient sacrifices have not been already made to preserve it, and the time arrived when the duty we owe to ourselves, and the respect which is due to the opinion of the world, admonish us that the insults and injuries of Britain are to be no longer borne, and that we ought to seek redress by again appealing to arms, and

* Monroe to Madison, Paris, June 30, 1795: "I candidly think, if we bear this aggression from England without an immediate declaration, at least *by the seizure of all her property, ships, certificates, &c.*, that our reputation is gone beyond recovery; most certainly it will be difficult, and the work of time to recover it."

putting the issue of our cause upon the event of war, is a point which will no doubt be wisely decided by those who have a right to decide it."

A copy of the treaty was received at Paris, six weeks after its *conditional* ratification by the Senate. Monroe announced this fact to the Secretary of State with these remarks:

"Of late, I have heard nothing from the Committee on the subject, nor do I expect to hear any thing from that body upon it, let the impression be what it may, otherwise than in reply to such communication as I may make thereon, and respecting which, it is proper to add, that I *shall take no step* without your particular instructions." "It is as easy for *you*, with the *lights you have*, to form a correct opinion upon that point in Philadelphia, as for me to do it here."

He added, that there was "some degree of solicitude" as to the contents of a part of the eighteenth article.*

* Monroe to Madison. Paris, Sept., 1795. He wrote this remarkable letter: "This treaty surpasses any thing I had a conception that even the author was capable of, had he been unchecked by any responsible tribunal whatever. The man was sent to demand a reparation for injuries, at least, so it was understood; but so far from succeeding *he has given a sanction, in many respects, for the commission of like injuries forever.* Without obtaining a single benefit in return, he has struck at France, wherever he could strike at her, and subjected us at home and upon the sea to many injuries unprecedented, as proceeding from an independent nation, and especially a nation not invaded, in prosperity; and leaving the other, in consideration of the state of the European war, really at its mercy. Without securing any thing for his country, he has wounded her and her ally wherever he could." A month after he again wrote: "We are in the deepest concern respecting the treaty of Mr Jay. Reports which seem to be well-authenticated say, that it is ratified, and these I cannot contradict. If it is ratified, it may be deemed one of the most afflicting events that ever befell our country. Our connection here will certainly be weakened by it. . . . The opinion that is gone forth to the world is, that we are reduced by it, to the condition of British colonies; an opinion undoubtedly untrue, abhorrent as the treaty is; but yet, that is the state of things, and which must be altered by time alone."

A month elapsed, when he again wrote to the Department of State. Should a new negotiation be opened with England, he advised that it be conducted in concert with France, *by a person enjoying her confidence*, and that it be transferred to Basle where the French negotiation was in progress.

"To this transfer *he* saw no objections. If we were at war with England, none would be urged with any one; for such was the case when we were at war with her. If then, remaining at peace, another country is willing to give us the fortune of its arms, in support of our claims against a *common enemy*, ought we to decline an arrangement which would be adopted in war, especially when it is considered, that peace is the lot we prefer, and that our success depends on its success unaided by an effort of our own."

Such a measure he thought would command the respect of England. "Without compulsion we know we shall not gain from her whatever we are entitled to; and if this compulsion is to be procured from France, will it not be more efficacious when she sees that our harmony with France is complete, and beyond her reach to disturb it?". "But," he added, "to secure success, by embarking this government with full zeal in our behalf, and striking terror into England, it will be necessary to *lay hold of her property* within the United States, to take the posts, and even to invade Canada"! *

* Monroe to Madison, February, 27, 1796. In cipher,—"There are strong symptoms of an actual rupture between us and this country. The ministers—the government, preferred to have us open enemies rather than perfidious friends."

CHAPTER CXXIX.

WHILE Monroe was thus panting for war, the treachery of Randolph was discovered, and fears were entertained lest the safety of this country had been compromised at Paris from the pointed manner in which Fauchet had in his intercepted despatch advised the Convention to "CONSULT MONROE."

On entering the State Department, Colonel Pickering was as much amazed at his despatches, as if he had discovered himself standing over a mine at the moment it was about to explode. He wrote to him fully, announcing that the President had ratified the treaty with England, vindicating its provisions; and commenting with much earnestness and asperity on the predilections manifested to France by men "forgetting their own professed principles; forgetting that they are citizens of an independent State." He cautioned Monroe, that "every intimation which may invite the expectations and enterprises of the French Government, calculating "on the event of the United States becoming a party to the war, was carefully to be avoided." *

* Jefferson to Monroe, March 2, 1796: "The most remarkable political occurrence with us has been the treaty with England of which no man in the United States has had the effrontery to affirm that it was not a very bad one, except Alexander Hamilton, under the signature of Camillus. . . . . Its most

The vicissitudes of the parties in France had been suggested to him as a motive for caution; but while every thing around him indicated a change by violent means, Monroe believed that either one or the other of the factions which were contending for the supremacy would "yield," so that, he wrote, "from this source I do not see cause to apprehend any serious evil." *

Before a month elapsed, another revolution took place. On the fifth of October, a final appeal by the contending factions was made to arms. The National Convention closed its career; and its power was transferred to an EXECUTIVE DIRECTORY of five members and two LEGISLATIVE COUNCILS.

Fauchet now arrived at Paris, hating the United States, because of his failure to embroil them in a war with England; eager to recommend himself to his new rulers by displaying to them the success of his intrigues in the increased number of their partisans; aware of the reckless ambition of the Democratic leaders in this country; familiar with their most secret councils; apprised of their determined hostility to the treaty, the ratification of which he announced. He imparted to the Directory, "the lights" from Philadelphia to which Monroe had adverted. With those lights it "made up its mind how to act."

In the letter which mentioned the arrival of Fauchet, Monroe remarked, "he appears to be extremely dissatis-

zealous defenders only pretend that it was better than war." . . . . "The resignation or removal of Randolph you will have learnt. His 'Vindication' bears hard on the Executive in the opinions of this quarter; and though it clears him in their judgment of the charge of bribery, it does not give them high ideas of his wisdom or steadiness." . . . . "The finances are said to have been left by the late financier in the utmost derangement; and his tools are urging the funding of the new debts they have contracted. Thus posterity is to be left to pay the ordinary expenses of our government in time of peace."

* Sept. 10.

fied with the treaty, and is apparently well received by the Government. I doubt not his communications on that head will be attended to."

On the sixth of December, as has been stated, a *Paris Gazette*, delineated the mode, in which its fulfilment would be and was resisted, in the House of Representatives. In a despatch of the same date, Monroe observed: "Symptoms of discontent, it is true, are still seen, but whether they will assume an aspect more unpleasant I know not. If they do, or any thing occurs of sufficient importance to merit your attention, I will certainly apprise you of it and without delay."

With all these motives, with a communication from the department of State in his hand giving the result of the negotiation, specially explaining the article of the treaty which had caused "some degree of solicitude," enjoining him "to give all the solemnity of truth," to the positions, "that the late negotiation has not proceeded from any predilection in our Government towards Great Britain;" "that the Government of the United States is sincerely friendly to the French nation; that it was formed to adjust differences which admitted of no longer delay; that the commercial part was but a subordinate object and not a new measure;" the American Ambassador was silent. No explanations were offered to France, and his despatches* to the United States contained not one word to relieve the solicitude of the Cabinet.

On the fifteenth of February he waited on the minister of foreign affairs to induce provision to be made for bills drawn on France in payment of supplies furnished to her by American citizens. Before entering upon this

* Dec. 22, 1795, Jan. 26, 1796. The former acknowledged the receipt of Pickering's of the 12th Sept. and 9th of October.

subject, he was told, that the Directory, "had at length made up its mind how to act in regard to our treaty with England;" that it considered the alliance between us as ceasing to exist, the moment the treaty was ratified; and should appoint an Envoy extraordinary to attend to represent the same to our Government, whose commission would expire with that representation.*

"As no specific objection was stated," Monroe wrote, "I could make no specific reply. I expressed my astonishment and concern, and inculcated the propriety of candor in the discussion of the treaty in its several parts." His objections to this hostile mission were repeated a few days after, when he declared "that he was always ready to enter into such explanations when required, and would do it in the present instance with pleasure."

The intended mission was disclosed to Gouverneur Morris, who was informed, that a fleet was to be sent with the new minister,—a definitive answer to be required in fifteen days; and that the Directory were about to declare that the alliance was annulled. This important intelligence was conveyed by him to Hamilton, who communicated it to the President on the fifth of May.

What course he should pursue in this new emergency filled Washington with extreme anxiety.

"What then," he wrote,† to Hamilton, "do you think ought to be said in case the information should prove true in all its parts? And what, if the proceedings and instructions of the French Directory should not exceed my conjecture, which is, that encouraged by the proceedings of last summer on the treaty, and aided perhaps by *communications of influential men in this country, through a medium*

* On this reply, Washington remarked: "It not suiting the French government to pay, and knowing the trim of our minister or something else, was always played off to silence his application."

† May 8, 1796.

which ought to have been the last to engage in it, that that Government *may* and I believe *will* send out an envoy extraordinary, with instructions to make strong remonstrances against the unfriendliness (as they will term it,) and the tendency of our treaty with Great Britain, accompanied probably and expectedly, with discretionary powers to go farther, according to circumstances, and the existing state of matters when he shall have arrived here. * * * *

"*Were it not for the unhappy differences among ourselves, my* answer would be short and decisive to this effect: We are an independent nation and act for ourselves. Having fulfilled, and being willing to fulfil, (as far as we are able,) our engagements with other nations; and having decided on, and strictly observed a neutral conduct towards the belligerent powers, from an unwillingness to involve ourselves in war, we will not be dictated to by the politics of any nation under heaven, further than treaties require of us.

"Whether the *present* or any circumstances should do more than *soften* this language may merit consideration. But if we are to be told by a foreign power, (if our engagements with her are not infracted,) *what we shall do*, and what we shall *not do;* we have independence yet to seek, and have contended hitherto for very little.

"If you have communicated the purport of the letter to Mr. Jay, I wish you would lay this also before him, *in confidence*, and that you and he would be so good as to favor me with your sentiments and opinions on both, and on the measures which you think would be most desirable to be taken, in case we should have to encounter the difficulties with which we are threatened; which assuredly, will have been brought on us by the *misconduct of some of our own intemperate people; who seem to have preferred* THROWING THEMSELVES INTO THE ARMS OF FRANCE, (even under the present circumstances of that country,) to that manly and neutral conduct which is so essential and would so well become us, as an INDEPENDENT NATION."

Hamilton replied on the twentieth of May, the President's letter having been accidentally delayed:

"Sir,—A belief that the occasion to which they may be applicable is not likely to occur, whatever may have been once intended or *pretended* in *terrorem*, has delayed the following observations in compliance with your desire, and which are now the result of conferences with the gentleman you named.

"The *precise form* of any *proposition* or *demand*, which may be made to or of the government must so materially influence the course proper to be pursued with regard to such proposition or demand, that it is very difficult by anticipation to judge what would be fit and right. The suggestions which can be submitted must therefore be very general and liable to much modification according to circumstances.

"It would seem in almost any case advisable to put forward a calm exhibition of the views by which our government have been influenced in relation to the present war of Europe; making prominent the great interest we have in peace, in our present infant state; the limitedness of our capacity for external effort; the much greater injury we should have suffered than good we could have done to France, by taking an active part with her; the probability * that she would have derived more advantage from our neutrality than from our direct aid; the promptitude with which, while all the world was combined against her, we recognized the new order of things, and the continuance of our treaties and before any other power had done so; the danger to which we exposed ourselves in so doing; the fidelity with which we have adhered to our treaties, notwithstanding formal violations of certain parts of them on the other side; our readiness to the utmost extent of our facilities to discharge our debt *without hesitation in the earliest period of the Revolution*, and latterly having facilitated an anticipated enjoyment of the balance; the zeal and confidence of our merchants by which they are now creditors for very large sums to France; the patience with which we have seen infractions of our rights; the peculiar nature of the war as it regarded the origin of our relations to France (quere?); the declaration of war by France against the maritime powers; her incapacity for maritime effort, and to supply our deficiency in that particular, so as to render a war not absolutely ruinous to us; the early expectations given to us by her agents that we were not expected to become parties; the exposed state of our commerce at this time; with an immense property of our merchants afloat, relying on the neutral plan which they have understood our government to be pursuing even with the concurrence of France, at least without its opposition; the extreme mischiefs to us of a sudden departure from the plan and the little advantage to France from our aid; the merely peace views which influence our treaty with Great Britain;

* "I believe this is the fact."

the nature of that treaty involving no ingredient of political connection, reserving the obligation of our prior treaties, the commercial articles terminating in two years after the present war; nothing in it to change the nature of our relations to France.

"All this will of course require great caution and delicacy so as not to compromise the dignity of the country, or give umbrage elsewhere; and I think the observations ought to hold out the idea, that, under all the circumstances of the case, the Government of the country thought itself at full liberty consistently with its treaties with France to pursue a neutral plan. And they ought to hold up strongly our desire to maintain friendship with France, our regret that any circumstances of dissatisfaction should occur, our hope that justice and reason will prevail and preserve the good understanding, &c. The conclusion of this preliminary exposition will be according to the nature of the proposition.

"If it should claim a renunciation of the British treaty, the answer will naturally be, that this sacrifice of the positive and recent engagements of the country is pregnant with consequences too humiliating and injurious to us to allow us to believe, that the expectation can be persisted in by France; since it is to require a thing impossible, and to establish, as the price of the continuance of friendship with us, the sacrifice of our honor, by an act of perfidy, which would destroy the value of our friendship to any nation. That, besides, the Executive, if it were capable of complying with a demand so fatal to us, is not competent to it, it being of the province of Congress by a declaration of war, or otherwise in the proper cases to annul the operation of treaties.

"If it should claim the abandonment of the articles of the present treaty respecting free ships, free goods, &c., the answer may be, that our treaties with France are an entire work, parts of a whole; that nevertheless the Executive is disposed to enter into a new negotiation by a new treaty to modify them so as may consist with a due regard to mutual interest, and the circumstances of parties, and may even tend to strengthen the relations of friendship and good understanding between the two countries.

"If the guarantee of the West Indies should be claimed, the answer may be, 'that the decision of this question belongs to Congress who, if it be desired, will be convened to deliberate upon it.' I presume and hope they will have adjourned, for to gain time is every thing.

"The foregoing marks the general course of our reflections. They are sketched hastily because they can only be general ideas, and much will depend on minute circumstances."

Having been again reproved by his Government, Monroe, on the fifth of March, nearly a month after the determination to dissolve the alliance was announced to him, five months after he had received a full justification of the treaty with England from his Government, and more than a year after it had been concluded, asked an audience of the Directory, "not doubting," as he said, "that the explanations he should be able to give will make an impression sufficiently satisfactory to merit its attention."

The financial embarrassments of France, the apprehension lest so gross an insult might rally the divided affections of the American people, fears that Washington would at such a crisis be induced to consent to a re-election; a hope that the House of Representatives would not fulfil the treaty: these considerations combined to induce the suspension of this rash purpose.

This determination to ask an audience was communicated to the Secretary of State near the end of March. Colonel Pickering replied to Monroe,—

"The result of this audience appears satisfactory; and from the good effect produced by the *partial explanations* then given, may be calculated the happy consequences of the *full communications* which *might have been made*, and which for so long a time you had possessed the means of making, in vindication of the government you represent.

"That these were *not made*, that they *had not been made* so late as the twenty-fifth of March, is again to be extremely regretted, *because the justice, the honor, the faith of our country were questioned;* and consequently their most important interests were at stake."

About this time an incident occurred which evinces the solicitude of the Federalists to avoid giving France the slightest just cause of umbrage, and marks the con-

trast between their policy and that of the Democratic party.

The Directory complained that the American Consul at Hamburg had granted passports improperly. This complaint came to the knowledge of Hamilton. He immediately wrote to a member of the Cabinet,—"Perhaps the complaint may be ill-founded, but perhaps also he was indiscreet in giving color for it. Admit too that he is a good man. Yet we must not quarrel with France for *pins* and *needles*. The public temper would not bear any umbrage taken, where a trifling concession might have averted it. 'Tis a case for temporizing, reserving our firmness for *great* and *necessary* occasions. Let him be suspended with a kind letter."

Each change in her political system enabled France to display increased energy, for each change approached nearer to the concentration of absolute power in a single hand. Confiding in her strength, and emboldened by her successes, she steadily pursued her fixed determination, that the United States should not remain neutral. The Directory assumed the ground, that as such neutrality might benefit their enemies, "either through the weakness of their allies, or of neutrals or through fear, through interested views or through whatever motives," that the inexecution of her treaties was warranted; and on the second of July seventeen hundred ninety-six, issued a decree, "That all neutral or allied powers shall without delay, be notified, that the flag of the French republic will treat neutral vessels either as to *confiscation*, as to searches, or captures, in the same manner as they shall suffer the English to treat them." *

* King wrote to Monroe from England,—"I was extremely sorry to receive the information contained in your last letter, that there was reason to

This act was followed by a procedure not to be mistaken. On receiving information that the House of Representatives had voted an appropriation for the treaty with England, they resolved to offer a direct insult to the American government.

Mangourit, who, when Consul at Charleston, had been dismissed by the President, was appointed Chargé d'affaires to succeed Adet. At the instance of Monroe, this appointment was rescinded; and it was decided to recall Adet, without nominating a successor.

It was the policy of France to conceal her recent obnoxious decree. In reply to an inquiry as to its existence, Adet professed to the State department an entire ignorance of it. Though of such extensive import, it was not notified to any of the foreign ministers at Paris.

Its first public appearance was in a communication to Barthelemi, the French envoy at Basle; and to a formal application by Monroe, founded on a report of the capture of an American vessel, the Directory replied, nearly two months after it bore date, that "*no* such order was issued; and further that none such would be, in case the British did not seize our vessels." What the motives to this deceptive concealment were, is not known; possibly the critical state of the negotiations at Lisle and Montebello, may have suggested the expedient of preserving secrecy.

This decree purported to have been founded on an

believe that the French government has, contrary to the stipulations, in our treaty, issued orders to their cruisers and corsairs to seize enemy's goods on board American vessels. These orders are the more extraordinary since they are excused by no circumstance of necessity, and as they violate the doctrine that free bottoms make free goods at a period when France proclaims herself the friend of liberal commerce and the advocate of the freedom of the seas. I hope the representation, I am persuaded you have made, will induce the revocation of the orders."

alleged recent order of Great Britain to capture neutrals bound to French ports. But the existence of such order was promptly denied by the British government.

Another month elapsed, and a studious silence was still observed. At last, emboldened by her successes, by the recent treaty of alliance offensive and defensive with Spain; and by the weakness of the British counsels; the Directory announced to Monroe, that the functions of Adet were suspended, and the *existence* of this hostile decree. France was in immediate want of supplies. She had not the funds to pay for them. The American merchants had ceased to give her credit.

Wolcott now wrote to Hamilton:* "If more seizures shall be made, or if Mr. Adet shall not give a satisfactory explanation, I do not see but that Mr. Monroe *must* be recalled, and a special confidential minister sent. I shall be glad to know your opinion of what is to be done. If a minister is sent, who should he be?"

Hamilton replied:

"From some recent information I have obtained here, I have scarcely a doubt that the plan of the French is, first, to take all enemy's property in our ships, contrary to the treaty between the two countries; secondly, to seize and carry in all our vessels laden with provisions for any English port. Among these, all that they *choose* to think enemy's property will be seized, and for the residue, they will promise to pay. This state of things is extremely serious. The Government must play a skilful card, or all is lost. No doubt an explanation has been asked of Mr. Adet. There is room enough for asking it, and the result, if *explanatory*, ought in some convenient way to be made known. Moreover, the Government must immediately set in earnest about averting the storm. To this end, a person must be sent in place of Monroe." Having suggested several names, he added: "Though unusual, perhaps it might be expedient for the President, to write, himself, a letter to the Executive Directory, explaining the pol-

* June 14, 1796.

icy, by which he has been governed and assuring of the friendship. But this step would merit great consideration. Our measures, however, should be prompt. Remember always, as a primary motive of action, that the favorable opinion of our own country is to be secured. A frigate or two to serve as convoys would not be amiss. If the English had been wise, they would neither have harassed our trade themselves, nor suffered their trade with us to be harassed. They would see this a happy moment for conciliating us by a clever little squadron in our ports and on our coast. A *hint* might not perhaps do harm." He advised, that the American minister at St. James "ought not to be empowered to do anything to prolong the treaty beyond the two years after the war. This will afford the government a strong argument. I earnestly hope this idea will prevail in the instructions."

The day after he had advised the employment of convoys, he again wrote to Wolcott:

"It appears to me material, under our present prospects, to complete three frigates without delay. They may be useful with reference to the Algerines. They may be useful to convoy our vessels out of the reach of picaroon privateers, hovering on our coast. I know you want money; but could not the merchants, by secret movements, be put in motion to make you a loan? I think something of this kind may be done here; and I should presume at Philadelphia, &c. The sole ostensible object may be the Algerines, but the second object may circulate in whispers. If you conclude on any thing, I will second you.

"Perhaps no bad form of the thing may be, to place in the hands of your agents for building, Treasury bills, from one hundred to one thousand dollars, payable in a year with interest; and to let it be known among the merchants, that they are lodged exclusively to facilitate the equipment of the ships. But a more direct operation may be attempted, and I should hope with success, for the sum you may want for the frigates."

In his answer,* Wolcott observed:

"I have been for some time inclined to think, that Mr. Monroe ought to be recalled; but as others have doubted, and as the thing

* June 17.

was not demonstrable, I have not urged it. Every event shows, however, new reasons for believing, that we must stop the channels by which foreign poison is introduced into our country, or suffer the government to be overturned. At all hazards, the attempt must be made."

Hamilton, on receiving private intelligence which confirmed his apprehensions as to the hostile purposes of France, communicated it to Washington on the 26th of June, observing:

"It becomes very material that the real situation, should, as soon as possible, be ascertained, and that the merchants should know on what they have to depend. They expect that the government will ask an explanation of Mr. Adet, and that in some proper way the result will be made known. It seems to become more and more urgent that the United States should have some faithful organ near the French Government to explain their real views, and ascertain those of the French. It is all important that the people should be satisfied that the Government has made every exertion to avert a rupture, and as early as possible."

On the day after receiving this letter, the President required the Secretary of State to obtain a Cabinet opinion as to the measures to be adopted, whether the President had the power, and, in that case, whether it would be expedient, in the recess of the Senate, to send an extra character to Paris to explain the views of this Government and to ascertain those of France.

The Cabinet were of the opinion, that the Executive had not the power, in the recess, to originate the appointment of a minister extraordinary to France; and that the recall of Monroe, by creating a vacancy, could alone authorize a new appointment. As to the expediency of his being recalled, they advised it on the ground, that he had omitted to use the documents furnished to him to re-

move the misconceptions of France; and upon evidence in their possession, that he had "made the notorious enemies of the whole system of government his confidential correspondents in matters which affect that government, and could not be relied upon to do his duty."

The President also consulted Hamilton.

"Let me ask, therefore," he wrote him on the twenty-sixth of June, "do you suppose that the Executive, in the recess of the Senate, has power, in such a case as the one before us, especially if the measure should not be *avowed*, by authority, to send a special character to Paris, as envoy extraordinary, to give and receive explanations? And, if there be a doubt, whether it is not probable, nay, more than probable, that the French Directory would, in the present state of things, avail themselves of the unconstitutionality of the measure to decline receiving him? The policy of delay, to avoid explanations, would induce them to adopt any pretext to accomplish it. Their reliance upon a party in this country for support would stimulate them to this conduct; and we may be assured they will not be deficient in the most minute details of every occurrence and every opinion worthy of communication. If, then, an envoy cannot be sent to Paris without the agency of the Senate, will the information you have received, admitting it should be realized, be sufficient ground for convening that body?

"These are serious things; they may be productive of serious consequences, and therefore require very serious and cool deliberation. Admitting however, that the powers of the President during the recess were adequate to such an appointment, where is the character who would go, that unites the proper qualifications for such a mission, and would not be obnoxious to one party or the other? And what should be done with Mr. M——— in that case?"

"As the affairs of this Country in their administration, receive great embarrassment from the conduct of characters among ourselves, and as every act of the Executive is misrepresented, and tortured, with a view to make it appear odious, the aid of the friends to government is peculiarly necessary under such circumstances, and at such a crisis as the present. It is unnecessary, therefore, to add, that I should be glad, upon the present and all other important occasions to receive

yours; and as I have great confidence in the abilities and purity of Mr. Jay's views, as well as in his experience, I should wish that his sentiments on the purport of this letter and other interesting matters as they occur, may accompany yours; for having no other wish than to promote the true and permanent interests of this Country, I am anxious always to compare the opinions of those in whom I confide with one another, and these again, (without being bound by them,) with my own, that I may extract all the good I can."

Hamilton replied on the fifth of July:

"I was in due time favored with your letter of the twenty-sixth June, and consulted the gentleman you name on the subject of it. We are both of opinion, there is no power in the President, to appoint an envoy extraordinary, without the concurrence of the Senate, and that the information in question is not a sufficient ground for extraordinarily convening the Senate. If however, the President from his *information collectively* be convinced that a dangerous state of things exists between us and France, and that an envoy extraordinary to avert the danger is a necessary measure, I believe this would, in the sense of the Constitution, warrant the calling of the Senate for the purpose. But this measure may be questionable in point of expediency, as giving a stronger appearance of danger than facts warrant. If further depredations on our commerce take place, if new revivals of the principle of the last capture should appear, it may alter the case. But without something more the measure would scarcely seem advisable.

"Mr. Jay and myself, though somewhat out of your question, talked of the expediency of removing Monroe, and though we perceive there are weighty reasons against it, we think those for it preponderate,—if a proper man can be found. But here we feel, both, immense embarrassment, for he ought to be at the same time a friend to the Government, and understood to be *not unfriendly* to the French Revolution. General Pinckney is the only man we can think of who fully satisfies the idea, and unfortunately every past experiment forbids the hope that he would accept, though but for a short time. But if a character of tolerable fitness can be thought of, it would seem expedient to send him. At any rate, it is to be feared, if under the symptoms of discontent which have appeared on the part of the French government, no *actual* and full explanation takes place, it will bring serious censure upon the Executive. It will be said, that it did not

display as much zeal to avoid misunderstanding with France as with Great Britain; that discontents were left to rankle; that, if the agent of the Government in France was negligent or unfaithful, some other mode ought to have been found."

Deciding that it had become indispensably necessary to recall Monroe, this determination was announced to him.

A letter was at the same * time addressed to him by the President, who had been represented to France as in his dotage,† stating the principles of his conduct to foreign nations.

* "Colonel Monroe, qui, en pleusieurs occasions, avait fait preuve d'une complaisance exagérée pour les Jacobins et d'un attachement indiciplinè aux principes du parti démocratique. A son arrivée à Paris, il s'était prêté aux ovations les plus deplacées et les plus compromettantes; plus tard, il avait négligé de donner, sur le traité avec l'Angleterre les éclaircissements qui auraient pu atténuer le mauvais effet qu'il avait produit en France; enfin, il était en correspondance confidentielle avec les principaux meneurs de l'opposition, approuvant leur politique, blâmant celle qu'il avait á défendre, et si connu en France pour son hostilité contre la Grand Bretagne, que, dans ses plaintes contre le pretendu mauvais vouloir des États Unis, le directoiré separait le Ministre de son gouvernment." Dewitt's Washington, 366.

† Extract from Thiers, ix. 44, 45; "The United States conducted themselves in regard to us with as much injustice as ingratitude. The *aged* Washington *permitted himself to be drawn* into the party of John Adams and of the English, who wished to bring back America to the aristocratic and monarchical state. The wrongs of some marines and the conduct of the agents of the Committee of the public safety served them as a pretext; a pretext slightly founded, for the wrongs of the English towards the American marine were of a much graver character; and the conduct of our agents was a temporary thing, and ought to be excused. The abettors of the English party spread abroad that France wished to make Spain cede the Floridas and Louisiana; that by means of these provinces and of Canada, she could surround the United States, sow there Democratic principles, detach successively all the States of the Union, dissolve thus the American Confederation, and compose a vast Democracy between the Gulf of Mexico and the five Lakes. There was nothing in it; but these falsehoods served to excite and to make enemies to France. A treaty of commerce had just been concluded by the Americans

"I have always," Washington wrote, "wished well to the French revolution; I have always given it as my decided opinion that no nation had a right to intermeddle in the internal concerns of another; that every one had a right to form, and adopt whatever government they liked best to live under themselves; and, that if this country could, consistently with its engagements, maintain a strict neutrality and preserve peace, it was bound to do so by motives of policy, interest and every other consideration, that ought to actuate a people situated as we are, already deeply in debt, and in a convalescent state, from the struggle we have been engaged in ourselves. On these principles," he said, "I have steadily and uniformly proceeded, bidding defiance to calumnies calculated to sow the seeds of distrust in the French nation, and to excite their belief of an influence possessed by Great Britain in the councils of this Country, than which nothing is more unfounded and injurious."

Thus ended this mission to France. Not one of its objects had been accomplished; no redress had been ob-

with England; it included stipulations which brought back to this power, advantages formerly reserved to France alone, and due to the services she had rendered the American cause. The policy of a rupture with the United States had some partisans in the French Government. Monroe, who was ambassador to Paris, gave in regard to this, the wisest counsels to the Directory. 'War with France,' he said, 'will force the American government to throw itself into the arms of England, and will deliver it up to her influence. Aristocracy will predominate in the United States, and liberty will be compromised. In suffering patiently, on the contrary, the wrongs of the actual President, he will be left without excuse, the Americans will be enlightened, and they will make a contrary choice at the approaching election. All the wrongs of which France can complain will then be repaired.' This wise and provident advice prevailed with the Directory. Rewbell, Barras, Larévellière, caused it to prevail over that of the systematic Carnot, who, although ordinarily disposed for peace, wished to obtain Louisiana, and there make the experiment of a republic."

tained for past injuries; new spoliations of the American commerce had been authorized. A war was imminent.

Monroe was the first high civil officer of the United States removed in discredit by its government.

CHAPTER CXXX.

Amid all her professions of friendship, France did not relinquish her views upon the Western territory near the United States.

The disclosure of these designs by Genet to Jefferson, his aid and concealment of them from the administration of which he was a member, are among the remarkable facts in the early history of this country. There is no evidence that the renewal of the prosecution of these designs was positively known to Monroe, though in one of his earliest despatches he speaks of the "Western territory" as "an object viewed at present with great *cupidity* on this side of the Atlantic." Nor does the fact, that Paine, who had been the previous organ of the French in these projects, was then residing under his roof,* nor his urgency for a loan to be expended within the United States, warrant more than a conjecture.

However this may have been, the scheme was not long or studiously concealed. In a despatch from Mon-

* The intimacy between Monroe and Paine is shown by a letter of Madison to Monroe.—Philadelphia, April 7, 1796: "It is proper, Thomas Paine, as well as yourself, should know, that on my first application to Mr. Bache for the payment of the draft in your favor, Mr. Bache had no funds in his hands, but he now tells me he shall be able to honor the draft in a few days."

roe of July ninety-six, a hint is given of something of this sort. It was followed by a communication, in which he says, "It is whispered, that an attempt on Canada is to be made, and which is to be united with Louisiana and the Floridas to the South, taking in such parts of the Western people as are willing to unite."

The movement had again commenced in the United States. Early in this year, the government was informed,* that COLLOT with two other Frenchmen were about to proceed on a tour through the western parts of the United States, including Pennsylvania, the western borders of the Ohio, and thence down the Mississippi to New Orleans. They were to act under instructions from ADET, the object of which was, besides a military survey, to cherish in the people of those regions a desire for a political connection with France; and were to use "all means in their power to promote the election of Jefferson, as President of the United States."

In prosecution of this purpose, it was stated, that GALLATIN was in communication with ADET; "assisted in devising the plan and instructions, which manifested a minute knowledge of the western country," "had laid down a line of march for the expedition," and was about to prepare a memorial (probably to be circulated in the West) showing the policy of a retrocession of Louisiana by Spain to France.

In consequence of this information, a confidential person was employed to follow Collot, who had proceeded to Pittsburg in June, there unwarily disclosed the route he contemplated, foretold the determination of the French Counsels to commence the seizure of American vessels; and predicted the acquisition of Louisiana and the Flori-

* Administration of Washington and Adams, i. 351.

das by France. A letter* of Jefferson confirms this statement, giving the channel through which the information was received; and stating his subsequent knowledge, that Michaux, whom he had introduced to Shelby, "had a Commissary's commission" in the expedition planned by Genet.

It is a circumstance not without meaning, that Volney, who at this time was perambulating this western region, had recently been an inmate with Jefferson at his residence in Virginia. Collot and Volney, it will appear, subsequently departed hastily from the United States to avoid the penalties of the Alien act.

In October following, a letter was received in Lexington, bearing date the fifth of July at Paris, in these terms:

"I am going as a volunteer aid to Kellerman. I dined at his house yesterday, in company with five of the deputies. Merlin of Douay and Pilet were of the party. The General introduced the subject of Louisiana and the Floridas. Merlin expressed himself in the warmest manner in favor of the *plan you proposed* on your first arrival here, and wished they had granted you the *supply* you requested on your first arrival. I breakfasted this morning with our friend, to whom I communicated what passed yesterday; he desired me to write to you *immediately*, so that they might meet you at Philadelphia before you set out for the western country, knowing that his information might be *of service* to our western brethren. He likewise desires me to call to your remembrance the flattering *prospects* you had when you last wrote to the people of Kentucky *by Mr. Adet*"!

In these views upon the western territory Carnot is seen to have concurred.

While such had been the course of the negotiation at Paris, a similar line of conduct to that which had been

* Jefferson, iv. 514. Randolph edition.

pursued by Genet was adopted by Adet at Philadelphia. A series of offensive reclamations against imaginary wrongs were preferred by France simultaneously with the infliction of positive injuries on the United States. But a marked difference is seen in the conduct of the Administration, for Jefferson was no longer at the head of the foreign department to palter with the interests and character of the nation.

The policy Hamilton had advised as to Genet was now pursued,—forbearance to the utmost extent consistent with self-respect, but no relinquishment of any essential national interest.

Adet had complained of the exportation of flour and horses in American vessels for the use of Great Britain. He was answered, that France enjoyed and had exercised the same right; that she had even exported arms without interruption; and that a remonstrance of the British Minister was answered by appealing to the law of nations, which did not forbid the shipment of contraband goods, but left them subject to the penalty of confiscation.

He complained of an infringement of the dignity of France by depositing her colors presented to the United States, not in the Hall of Representatives, but among the public archives.

He was answered, that the President was the sole representative of the people for the purpose of foreign intercourse; and that the colors had been "deposited with the evidences and memorials of our own freedom and independence."

He complained, that in a Directory printed at Philadelphia, the name of Great Britain had preceded that of France, and required, that orders should be given for its suppression, or if it was a private publication, demanded a declaration from the United States that they had no

concern in it. He was answered, that this publication, "having offended against no law, could be subjected to no penalty;" that here "the Press was free;" that questions of rank among nations equal by their sovereignty and independence, it was not for the United States to determine.

Soon after this correspondence, a French privateer lying at Philadelphia pursued and captured an American vessel from that port, two hours after she had gone to sea, within a few leagues of the American coast. An explanation was asked. Adet replied, that he could give no information on the subject. After an interval of nearly four months, he was again asked for an explanation of this flagrant violation, was informed that the owner of the privateer had reported, that the capture had been made by the particular orders of the French minister reiterated by the French consul; and was called upon for evidence to repel what were assumed to be "groundless assertions." He answered, that he had forbidden the evidence to be given, and would remain "a stranger to this affair." When requested to state, whether France had adopted a new system, he gave a dilatory reply professing entire ignorance, and complaining that the sale of prizes by French privateers had recently been prevented at Boston. It was answered, that such sales had been permissive, but not of right. Evidence was given that France had so regarded them, and it was stated that under the treaty with Great Britain the *right* to prohibit them had become a *duty*.

The fulfilment of this duty had been urged by Hamilton in a note to Wolcott.

"I learn from a gentleman of character, that a prize, brought into Boston, by a French privateer, is about to be sold. This being in direct breach of our treaty with Great Britain, how does it happen?

Though no particular law passed, the treaty being the law of the land, our custom-houses can and ought to prevent the entry or sale of prizes, upon Executive instruction. If any thing is wanting to this end, for God's sake, my dear Sir, let it be done, and let us not be disgraced. P. S.—Considering what is going on, and may go on in the West Indies, it appears to me essential, that the President be empowered to lay embargoes in the interval between the present and the next session of Congress."

Doubts were subsequently entertained whether the treaty forbade sales of prizes, made by a French national vessel. Hamilton was consulted. He gave the question much consideration; discussed it at length, and finally decided, "that they also were forbidden."

France, in all her injurious conduct, had proceeded upon a reliance of support from the party of Jefferson, which Washington stigmatized, as the "French party." * The course of that party at this time fully proved that such reliance was not misplaced. Their objects were to pervert, to alarm, to inflame.

An explanatory article of treaty had been recently concluded with Great Britain, in order to remove an ambiguity alleged to exist in the recent treaty with Spain. This act was charged to be a measure, "to explain away the Spanish and Indian treaties at pleasure." It was, at the same time, announced, that means were in progress to induce Spain, by the intervention of France, not to fulfil her treaty as respected the navigation of the Mississippi; and a distinguished partisan of the French government residing in the vicinity of Pittsburg, was indicated as their organ.

A cession of Louisiana to France was pronounced a probable event, and the probability of such a cession was soon after urged at Lexington in Kentucky, as an addi-

* Washington's Writings, xi. 529.

tional motive to cultivate that power which the Administration was charged with having treated with "an insolence almost incredible." *

The recent capture of an American vessel, which had been the subject of correspondence with Adet, was referred to, not in terms of disapprobation, but so as to alarm the merchants. Its justification was made to rest upon an ancient edict of the monarchy, "concerning the navigation of neutral vessels in time of war;" and the orders of the American government, founded upon a recent judicial decision, to prohibit sales of prizes, were denounced as violations of the treaty.

On this subject the partisans of France were more zealous than her own government. It was expressly admitted in an official document at Paris, that by the twenty-second article of the treaty of seventeen hundred seventy-eight, "no cruiser can sell prizes (taken by Frenchmen) in the ports of the United States, nor discharge any part of her cargo." "The prize must be conducted into the ports of the captor, and it is there they are to be judged." France was called upon "to repulse any proposition admitting such a right as a derogation from her sovereignty." †

The numerous captures of American vessels by French privateers proved the determination of France, either to

* Extract from the Aurora:—"Attempts are made to spread alarms respecting Louisiana, as if the possession of that Country by *France* would not be of the *utmost advantage*, considered in every relation. First, as an exemplary warning against the growing spirit of aristocracy among us; Secondly, as an aid against the wicked arts of Britain to entrap us into an *offensive* and *defensive* alliance; and third, as a safe and free *asylum* from tyranny in the event of the majority of our fellow-citizens being betrayed into so diabolical an alliance, into so tame a surrender of republican freedom at the feet of *aristocracy* and *kingly* pageants."

† Report of Marbois to the Council of Ancients, upon "Maritime prizes."

compel the United States to depart from their neutrality, or deliberately to violate the treaty.

This determination was also manifested by the conduct of those powers which now had become the creatures of her ambition. The Batavian Republic insisted, that the United States should "cause their flag to be protected with energy;" and called upon them "to make common cause with the French Republic." Information was received, that the Directory had signified to that dependency their intention to defeat the treaty with Great Britain, and expected their concurrence.

By the terms of the recent alliance between France and Spain, a mutual guarantee of their respective territories was pledged. The "Colonial system" was to be "raised," and they engaged to make common cause to repress and annihilate the maxims adopted by any country whatever, which might be subversive of their *present* principles, and which might endanger the safety of the neutral flag, and the respect which is due to it.

With eager servility, these nations evinced their vassalage to that now colossal tyranny. The ancient republic of Holland, and the ancient monarchy of Spain, both, at the same moment, appeared by their representatives at Philadelphia, to proclaim the dominion of the Directory over the councils of their respective countries; to strike terror into the Administration; and to seduce from their allegiance the people of the United States.

The Government of the French had assumed a more settled character, but that its recent institutions could be long sustained was not probable. A widely extended conspiracy had been discovered. It was suppressed; and the supremacy of the Directory was maintained, but maintained by means which showed how familiar France had become with the exercise of arbitrary power. Every

individual, not of the prevailing party, was banished; banished, not by name, but by general descriptions embracing all persons unfriendly to the Directory. A forced loan was levied; the press was muzzled; and Paris was surrounded with camps to ensure to the Legislative bodies freedom of debate, and to impose silence on the people. Fear had taken refuge in force. To a popular, a military despotism had succeeded. From amid the dark mystery which overhung her troubled destinies, it remained only for some bold arm to grasp the sceptre.

Did the people of France suffer less because their oppressors were elected according to the forms of a Constitution? Yet this was the only plea which remained to her partisans in America to claim for her an affinity with their own political institutions.

Her military successes had all the qualities of rapidity and of grandeur to excite the spirit of man; but were attended with incidents more than enough to subdue it. Her myriads carried not only the sword, but the torch. Those who refused to abandon the cherished opinions of education, and of time, to adopt her new maxims, were condemned as rebels. She argued with the husbandman by setting villages in flames; He read her creed of conquest and of freedom by the light of his household goods.

It has been seen, that one of the last acts of Congress had been a refusal to pass a law to prohibit the sale of prizes, on the ground, that "it might give offence to some of the belligerent nations with whom they wished to be on good terms." This was an open avowal to the nation, that, though compelled to execute the treaty with England, its representatives were not unwilling that the stipulated neutrality should be violated.

Immediately after the adjournment of Congress, a systematic review of the policy of this Government towards

France was commenced, in order to show that the Administration had been faithless to their ally. It began with a statement of its early conduct, intended to prove that their professions of a desire to make a commercial treaty with her were wholly delusive; and that "sufficient inducements had been given to her to treat us with severity."

In confirmation of this charge a measure was resorted to, which proves how low the leaders of the opposition had descended. It was the *publication* of the queries submitted by the President to the Cabinet on the eighteenth of April ninety-three, on which was founded the Proclamation of neutrality.

Among the various arts employed for the purpose of influencing the votes of the House of Representatives on the treaty, the most reprehensible was the disclosure of this highly confidential document. A copy of it was seen early in the session in the hands of "Parker, and was subsequently exhibited by Giles." It now appeared in the Aurora.*

Directly pointing to Washington, these queries were declared to have "stamped upon their front, in characters brazen enough for idolatry itself to comprehend, Perfidy and Ingratitude."—"For the honor of the American character and of human nature, it is to be lamented, that the records of the United States exhibit such a stupendous monument of degeneracy. It will almost require the authenticity of Holy Writ to persuade posterity, that it is not a libel ingeniously contrived to injure the reputation 'of the Saviour of his country.'"

After animadverting on the recent explanatory article of the British treaty, as a breach of neutrality; these

* June 9, 1796.

queries were again canvassed. To show that the design of them was hostile to France as a republic, and favorable to England as a monarchy, the letters of "Pacificus" were adduced. "These letters," it said, "were ascribed to, and were not denied by the late Secretary of the Treasury, the virtual President of the United States, whose baneful counsels directed the affairs of the Union." "Must we not," it was asked, "be irresistibly urged to the belief, considering the omnipotence of the Secretary in our councils, that the intention was to refuse acknowledging a minister from the republic of France; to renounce the treaties, or hold them suspended until the monarchy was re-established; and to recognize a minister from the Regent?" For this proposition, Washington is arraigned as guilty of the highest "degree of turpitude."

The question proposed to the Cabinet by the President, whether Congress ought to be convened—another confidential State paper, was also published. Washington was represented as having inclined to convene it until otherwise instructed by Hamilton; and for not so doing, was denounced. His opinions and conduct are stated to "exhibit in the Chief Magistrate of a free people, an USURPER whose arrogance was not to be restrained by an overweening fondness for fame, or by the limits of our Constitution." They were charged to be evidences of a design to carry out the aim of Hamilton to establish "a high-toned government," and "to assimilate that of the United States to a monarchy." The efforts previously mentioned to induce Spain to suspend the execution of the treaty were renewed; and the "baseness, perfidy, and hypocrisy" of the Executive towards France were proclaimed.

It is not without hesitation that these gross calumnies on Washington and Hamilton are here embodied: but it

is essential to a correct judgment of the character of the opposition.

These attacks were not the unpremeditated effusions of an angry press, they were the systematic productions of venal men, intimate with, and who had taken part, in the councils of the Executive, founded on a treacherous disclosure of confidential cabinet papers; a disclosure of which a certain consequence would be, to increase the alienation of France, perhaps to precipitate the United States into a war.

Washington thus referred to them in a letter to the Secretary of State:

"The continual attacks, which have been made and are still making on the Administration in Bache's and other papers of that complexion, as indecent as they are void of truth and fairness; under different signatures, and, at present, exhibited under that of 'Paulding,' charging it with not only unfriendly, but even unjust conduct towards France; and to prove it, resorting to misrepresentation, and mutilated authorities; and oftentimes to unfounded and round assertions; or to assertions founded on principles, which apply to all the belligerent powers; but by them represented as aimed at France alone, make it to be wished, that the enlightened public could have a clear and comprehensive view of facts." With this purpose, he directed him to follow out the previous suggestion of Hamilton, that "a calm exhibition of the views by which our government have been influenced in relation to the present war in Europe," should be given.

Alarmed at the effect which the publication of these queries might have on the President's mind and upon his own character, Jefferson chose to write to him:*

* June 19. Jefferson's Works, iii. 331.

"In Bache's Aurora, of the ninth instant, which came here by the last post, a paper appears, which, having been confided, as I presume to but few hands, makes it truly wonderful how it should have got there. I cannot be satisfied as to my own part, till I relieve my mind by declaring, and I attest every thing sacred and honorable to the declaration, that it has got there neither through me nor the paper confided to me. This has never been from under my own lock and key, or out of my own hands. No mortal ever knew from me, that these questions had been proposed. Perhaps I ought to except one person," (Madison) "who possesses all my confidence, as he *has* possessed yours. I do not remember, indeed, that I communicated it even to him. But as I was in the habit of unlimited trust and council with him, it is possible I may have read it to him; no more; for the quire of which it makes a part was never in any hand but my own, nor was a word ever copied or taken down from it by anybody. I take on myself, without fear, any divulgation on his part. We both know him incapable of it. From himself, then, or my papers, this publication has never been derived."

"I have formerly mentioned to you, that from a very early period of my life, I had laid it down as a rule of conduct never to write a word for the public papers. From this, I have never departed in a single instance; and on a late occasion, when all the world seemed to be writing, besides a rigid adherence to my own rule, I can say with truth, that not a line for the press was ever communicated to me, by any other, except a single petition referred for my correction; which I did not correct, however, though the contrary, as I have heard, was said in a public place, by one person through error, through malice by another. I learn that this last has thought it worth his while to try to sow tares between you and me, by representing me as still engaged in the bustle of politics, and in turbulence and intrigue against the government. I never believed for a moment that this could make any impression on you, or that your knowledge of me would not overweigh the slander of an intriguer, dirtily employed in sifting the conversations of my table, where alone he could hear of me; and seeking to atone for his sins against you by sins against another, who had never done him any other injury than that of declining his confidences. Political conversations I really dislike, and therefore avoid when I can do so without affectation. But when urged by others, I have never conceived that having been in public life, requires me to belie my sentiments, or even

to conceal them. When I am led by conversation to express them, I do it with the same independence here, which I have practised everywhere, and which is inseparable from my nature. But enough of this miserable tergiversator, who ought indeed either to have been of more truth or less trusted by his country."

Having asked a copy of his opinion as to the "Little Sarah," of which, he says, he could never obtain another copy from Knox or Hamilton, he closed:

"I put away this disgusting dish of old fragments, and talk to you of my peas and clover." After a short descant on a topic most pleasing to Washington's rural tastes, he ends by enclosing a letter to the son of La Fayette, and with assurances of his "great and sincere esteem and respect."

This letter of Jefferson shows his embarrassment. As to the disclosure of these confidential State papers, while he denies that it was made either by himself or by Madison, he does not dare to charge it to the only other member of the first cabinet, to whom it could with any probability be imputed,—Edmund Randolph,—for he was alive to vindicate himself, and to call on the persons, by whom it was promulged, to avow from what source the papers came into their hands. Had the disclosure been made by Randolph, Jefferson, having no personal confidence in him, or regard for him, would not have been deterred by any such considerations, from relieving himself from suspicion by imputing the infidelity to him. But Randolph was a ruined, retired politician. He could have had no motive to commit this breach of faith; while to defeat the British treaty, for which purpose this cabinet paper was divulged; Jefferson and Madison * had every motive;

* In the P. S. to a letter from Jefferson to Madison, 24 June, 1793, he refers to the subject of this cabinet paper: "This also is the sum of his arguments the same day as on the great question which followed that of the Proclamation, to wit, whether the Executive might not and ought not to declare the treaties suspended."

and from what has been seen, it is apparent, that either was capable of the act.

As to Jefferson's hostility to Washington, 'tis evident from this letter, that he was aware that he had been detected, that evidence existed of it. Though he boasts his virtue—and appeals to Washington's confidence in his sincerity, he does not venture a syllable to the effect, that he had not used language unfriendly to the President. Not two months had elapsed since he addressed to Mazzei his broad comprehensive calumny upon the President and his supporters; and similar imputations he probably feared, might be traced to him nearer home. Thus emperilled, he contented himself with saying, that he "never had conceived, his having been in public life," (a member of Washington's cabinet) "required him to belie his sentiments or even to conceal them." As to his allegation that he did not write for the Press, this only proves, from his frequent promptings of Madison to write, that he was studiously careful to avoid the responsibility of his own act.

Washington's reply shows his convictions. He does not use a word to acquit Jefferson of insincerity. He simply accepts his assurance, that the publication of this paper did not proceed from him. He does not say, that he did not believe what had been represented to him of Jefferson's conduct. "I am at no loss," he wrote to him on the sixth of July, "to conjecture from what source they flowed, through what channel they were conveyed, and for what purpose they and similar publications appear. They were known to be in the hands of Mr. Parker in the early part of the last session of Congress. They were shown about by Mr. Giles during the session, and they made their public exhibition about the close of it." After alluding to the publications, "to weaken the

confidence of the people" in him, he proceeds: "As you have mentioned the subject yourself, it would not be frank, candid or friendly to conceal, that your conduct has been represented as derogating from that opinion I had conceived you entertained of me; that to your particular friends and connections you have described, and they have denounced me, as a person under a dangerous influence, and that, if I would listen more to some other opinions, all would be well." * * * He added: "I did not believe until lately, that it was within the bounds of probability, hardly within those of possibility, that while I was using my utmost exertions to establish a national character of our own, independent as far as our obligations and justice would permit, of every nation of the earth; and wished, by steering a steady course, to preserve this country from the horrors of a desolating war, I should be accused of being the enemy of one nation, and subject to the influence of another; and to prove it, that every act of my administration would be tortured; and the grossest and most insidious misrepresentations of them be made, by giving one side only of a subject, and that too in such exaggerated and indecent terms as could scarcely be applied to a Nero—to a notorious defaulter—or even to a common pickpocket. But enough of this . . . I have already gone further in the expression of my feelings than I intended."

The language of this letter is full of meaning. Had Washington not been in possession of evidence of Jefferson's hostility, had he believed him sincere, he would have answered, "such things are alleged to have been said by you, but I never have believed them." Instead of this direct avowal, he carefully confines his reply to this expressive limitation: "*My* answer invariably has been, that I have never *discovered any thing* in the *conduct* of

Mr. Jefferson to raise suspicions in my mind of his sincerity—that if he would retrace my public conduct while he was in the administration, abundant proofs would occur to him" of his fidelity and impartiality. Nor is it possible to suppose, had he believed Jefferson innocent, that he would have proceeded to defend himself, and in so pointed a manner, against "the insidious misrepresentations in such exaggerated and indecent terms."

Jefferson did not mistake the character of this letter. It is the last, though probably not the last, written, remaining among Washington's papers. Jefferson has recorded the fact of the President's alienation from him. "He," Washington, "had *become alienated from myself personally*, as from the *Republican* body, generally, of his fellow-citizens." *

This letter is of importance in another point of view, as confirmatory of the fact of the President's alienation from Madison, as to whom Jefferson remarks to Washington—"perhaps, I ought to except *one person* who possesses all my confidence, as *he has once possessed yours.*"

This allusion was not without its object. Jefferson knew that Washington had not only reposed great confidence in Madison, but that at an early period, that confidence was of a most delicate character, both as to persons and as to affairs. Washington, he might hope, would thereby be deterred from any further investigation; leading, if such were the fact, to evidence, that Madison had been guilty of this betrayal of confidence, and thus directly implicating himself. It will be seen ere long, that Washington was above any such narrow motive.

The precise time when the President discarded Madison from his confidence is not known. It has been seen,

* Jefferson's Works, iv. 453.

that the latest published instance of his having consulted him was on the fourteenth of October, ninety-three. A private note from Randolph to Washington, not a month later, indicates his knowledge of the altered state of Washington's mind towards Jefferson, before he retired from his cabinet, notwithstanding the labored representations to the contrary.* The probability is that his withdrawal of confidence from both Jefferson and Madison was simultaneous.

Notwithstanding Jefferson's recent disavowal to Washington of his being "engaged in the bustle of politics," in his next letter to Monroe, only three weeks later,† Jefferson wrote: "Though the Anglomen have in the end got their treaty through, and so far have triumphed over the cause of Republicanism; yet it has been to them a dear-bought victory. They see that nothing can support them, but the colossus of the President's merits with the people; and the moment he retires, that his successor, if a monocrat, will be overborne by the republican sense of his constituents; if a republican, he will of course give fair play to that sense, and lead things into the channel of harmony between the governors and governed. In the mean time—patience."

While such was the tenor of Jefferson's language, the President deemed it proper to take a step at this time out of his usual line of conduct. The motive to it shows the infidelity which was near his inmost counsels.

Morris, the recent envoy at Paris, had, on being re-

* On the 10th Nov., 1793, in a note marked *private*, Randolph informs Washington that he had begun to write "a history and review of the Administration, and had made some progress, and should have advanced forthwith, had" he "not found some *difficulty* in *asking* the *Secretary of State* access to the *public archives*, without communicating at the same time" his "objects."

† July 10.

called, repaired to London. While residing there, Washington addressed to him a long letter, recapitulating in strong terms instances of the injurious conduct of Great Britain, but closing with language intended to impress on the British government the importance of observing "a liberal policy" as "one of the most effectual means of deriving advantage to their trade and manufactures from the people of the United States."

This letter intended to reach Lord Grenville, and transmitted by an American vessel, fell into the hands of the French Directory! Its contents were disclosed to Monroe, who informed the President of the ill effect it had produced. He replied, avowing in explicit language, his good wishes "to the French Revolution;" his "decided opinion that no nation had a right to intermeddle in the internal concerns of another," and the neutral policy which had governed, defying the "calumnies calculated to sow distrust in the French nation and to excite their belief of an influence possessed by Great Britain in the councils of this country, than which nothing," he averred, "is more unfounded and injurious."

To serve the cause of France—to justify her excesses —to prepare the public mind for the violent procedure which it has been seen was menaced—an extra mission of remonstrance; and to weaken the influence of the President's character, were obvious motives to these widespread calumnies. But there was another motive, much stronger and of immediate and anxious interest.

Though it was believed that the President would withdraw from public life, yet his purpose had not been made public. He had before been induced to permit a re-election from a sense of duty. That sense, with him paramount to every other consideration, might again

operate. Similar means to deter him, with those which had been before used, were again resorted to.

Jefferson was then near him to suggest doubts, inspire alarms, and aid the licentiousness of the press. This influence being removed, was to be supplied by bolder and more bitter invectives and taunts. It was stated in a leading Democratic paper that "he never would resign."*

The time when these attacks were made also proves this object. They commenced at the moment, when Washington was deliberating on the proper period to announce his purpose to retire, and when, if he should falter, it was important to impel him to the decisive act. They were suspended, when it was expected that the annunciation of his purpose would be immediately made.† On the nineteenth of September, the "Farewell Address" was published.

* Argus, June 22d.

† "Paulding" began in June and ceased on the 6th of September, the date of Washington's *last note* to Hamilton on this subject.

CHAPTER CXXXI.

At the close of the War of the Revolution, when about to resign his command of the army, Washington, it has been seen, justly estimating the importance of his opinions on the existing condition of public affairs, addressed a "Circular letter" to the Governor of each of the States.

This letter was the Address of a retiring Chieftain, urging an "indissoluble union and a continental government" of increased energy, as the great remedies for present ills, and as essential to the existence of the United States, "as an independent power;" inculcating, as next in importance, "a sacred regard to public justice;" and advising, in "the adoption of a proper peace establishment," an effective means of defence. "The prevalence of a friendly and pacific policy among the people, inducing them to forget their local prejudices and politics—to make mutual concessions to the general prosperity, and in some instances to sacrifice their individual advantages to the interest of the community," is the last of the topics presented, in this valuable document, to the States, as the constituents of the Confederation.

When about to retire from the Presidency, prior to the expiration of his first term of office, Washington is seen, contemplating a similar procedure, in a parting Address to the American people, united and organized under one General Government, as the Head of that government.

In this view, on the twentieth of May, ninety-two, he addressed a letter to Madison, submitting to him questions as to the propriety and utility of such an Address, asking him to prepare it, and consulting him as to the proper time it should appear. A cursory mention of the motives prompting his retirement precedes, in this letter, a brief summary of the inducements to the preservation of the Union, and of the "established government" by the exercise of "wisdom, good dispositions and mutual allowances." A suggestion follows, having reference to the rising political controversies, of the necessity of confidence in the public servants, and of the dangers of "unfounded suspicions and too lively jealousies."

With these intimations, intended to be governing, it is submitted to Madison's "judgment to comprehend" in his draught, "all that will be proper." Such was the full trust placed by Washington in Madison at that time. This draft by Madison was inclosed to Washington in a letter of the twentieth of June, ninety-two. "Having thus, Sir," he wrote, "complied with your wishes, by proceeding on a supposition, that the idea of retiring from public life *is to be carried into execution*, I must now gratify my own, by hoping, that a reconsideration of the measure, in all its circumstances, and consequences, will have produced an acquiescence in one more sacrifice, severe as it may be, to the desires and interests of your country."

Madison's draft chiefly consists of personal matter; and this, in part, is expressed in terms not justified by those of Washington's request, which have given rise to a sharp comment.*

* John Jay to Judge Peters. "Life and Writings of John Jay," vol. ii. p. 386.

The language of Washington is, "(if the measure in itself should strike you as proper, and likely to produce public good or private honor,) and you would turn your thoughts to a Valedictory Address, expressing in plain and modest terms—that, having been honored with the Presidential chair, and *to the best of my abilities* contributed to the organization and administration of the government,—that, having arrived *at a period of life* when the private walks of it, in the shade of retirement, becomes necessary and will be most pleasing to me, (and as the spirit of the government may render a rotation in the elective officers of it more congenial with their ideas [the people's] of liberty and safety, I take my leave of them as a public man"—adding, "in bidding them adieu, I take the liberty at my departure from civil, as I formerly did at my military exit, to invoke a continuance of the blessings of Providence upon it," (the country) "and upon all those who are the supporters of its interests, and the promoters of harmony, order and good government.*

Instead of language so dignified and so modest, Madison would make Washington depreciate himself. "In discharge of this trust," are his words, "I can only say, that I contributed towards the organization and administration of the government, the best exertions of which *a very fallible* judgment was capable."—"If there were any circumstances, which could give value *to my inferior qualifications* for the trust, these circumstances must have been temporary. In this light was the undertaking viewed when I ventured upon it. Being moreover *still further advanced* in the *decline of life*, I am *every day more sen-*

* This is copied from a fac-simile of the original letter of Washington to Madison, in possession of J. C. McGuire, Esq. That given in "the Writings of Washington" differs a little.

sible, that *the increasing weight of years* renders the private walks of it, in the shade of retirement, as necessary, as they will be acceptable to me."

The motive for such admitted incapacity, by nature and through "the increasing weight of years," being inserted in the draft by Madison, to be avowed by Washington, is revealed by the facts previously stated, showing his concurrence in the wishes and efforts of Jefferson, to induce Washington's then retirement from office. It was, though indirectly, a declaration by Madison to Washington of his opinion, that for these reasons he ought to retire.

Nor are some of the terms used by Madison in the political portion of his draft, which introduced no new topic, but gave the general suggestions of Washington, somewhat varied, more form and finish, less noticeable.

As to "Rotation" in office, Washington, it is perceived, says, "and the spirit of the Government *may* render a rotation in the elective officers of it more congenial with their ideas," [the people's] "of liberty and safety." Madison gives it a different turn. "May I be allowed further to add, as a *consideration far more important*, that an *early example* of rotation in an office of so *high* and *delicate a nature* may equally accord with the republican spirit of our Constitution and the ideas of liberty and safety *entertained* by the people." To that which Washington introduced as an hypothesis, Madison gives more the shape of an averment, pronounces it an "important consideration" arising, "from the high and delicate nature of his office;" and affirms that the "*example* of *rotation*" should be "*early*." You ought to retire *now* for this reason, you ought to give "an early example"—you ought to satisfy the "ideas of liberty and safety *entertained* by the people."

Having previously invoked a blessing upon the country, and "upon those who are the supporters of its interests and the promoters of harmony, order, and good government," and having urged that "the only strife ought to be, who should be foremost in facilitating and finally accomplishing its great objects, by *giving every possible support and cement to the Union;*" Washington states, that, "however necessary it may be to keep a watchful eye over public servants and public measures, yet there *ought* to be *limits* to it, for *suspicions unfounded* and *jealousies too lively* are irritating to honest feelings, and oftentimes are productive of more evil than good."

Madison's substitute is widely different.—Here Washington is seen offering a vow, that "its administration" (that of the government) "in every department *may be* stamped with wisdom and virtue, and that this character *may be insured* to it, by that *watchfulness* which, on the one hand, *will* be *necessary* to prevent or correct a degeneracy; and that forbearance, on the other, from unfounded or indiscriminate jealousies, which would deprive the public of the best services, by depriving a conscious integrity of the noblest incitements to perform them."

The blessings invoked by Washington were on "the *supporters* of the government," on "the *promoters* of *harmony* and *order;*" and, while he admits the necessity of a limited *watchfulness,* he deprecates "unfounded suspicions and too lively jealousies," as "oftentimes productive of more evil than good."—"Harmony"—"Order"—were his great desire. These "suspicions"—these "jealousies," he saw ripening to mischief. Not a word is said by Madison of the importance of "harmony or order."—The forbearance from these "suspicions and jealousies" in his view was secondary—the primary object was "*Watchfulness.*" It was the position he had chosen to

assume towards the leading measures of Washington's administration, regardless of the consequent discord and disorder. The language of Washington was, in fact, a rebuke to himself and to the opposition. His language was a vindication,—intended to be a vindication, by Washington, of the men who were secretly conspiring against him. This draft, it will be remembered, was prepared by Madison, at the moment when the controversy between Hamilton and Jefferson was advancing to an open, public, irreconcilable conflict; when Hamilton was urging Washington to consent to a re-election; and when Jefferson was alarming him to retire, by a false view of the public affairs and of the public feelings.

Not four years had elapsed, when Washington, in conformity with his fixed purpose to decline a re-election, became engaged in framing a draft of a Farewell Address. This draft, "in its rough state," he submitted to Hamilton, then on a visit to Philadelphia, mentioning his wish that he would "*redress* it." Hamilton, consequently, on his return to New York, wrote to him on the tenth of May:

"New York, May 10," 1796.—"When last in Philadelphia, you mentioned to me your wish, that I would redress a certain paper which you had prepared. As it is important, that a thing of this kind should be done with great care, and much at leisure, touched and retouched, I submit a wish, that, as soon as you have given it the *body* you mean it to have, it may be sent to me." The residue of the letter relates to another topic.

A few days later, on the fifteenth of May, without waiting to give it this "body," but merely, as he states, "with some alteration on the first page since Hamilton saw it," Washington transmitted to him his draft "in its rough state." While he gave Hamilton full authority "to throw the whole into a different form," he requested

that his own draft should also be returned to him, "with such amendments and corrections, as to render it as perfect as its formation is susceptible of." The letter is in these words:—

"PHILADELPHIA, May 15," 1796.—"MY DEAR SIR: On this day week, I wrote you a letter on the subject of the information received from G——M——, and put it with some other papers respecting the case of Mr. de La Fayette under cover to Mr. Jay; to whom also I had occasion to write. But in my hurry (making up the despatches for the post office next morning,) I forgot to give it a superscription; of course it had to return from New York for one, and to encounter all the delay occasioned thereby before it could reach your hands. * * Since then I have been favored with your letter of the 10th inst.; and enclose (in its rough state) the paper mentioned therein, with some alteration in the first page (since you saw it) relative to the reference at foot. Having no copy by me, (except of the quoted part,) nor the notes from which it was drawn, I beg leave to recommend the draught now sent, to your particular attention.

"Even, if you should think it best to throw the *whole* into a different form, let me request, notwithstanding, that my draught may be returned to me (along with yours) with such amendments and corrections, as to render it as perfect as the formation is susceptible of; curtailed, if too verbose; and relieved of all tautology, not necessary to enforce the ideas in the original or quoted part. My wish is, that the whole may appear in a plain style; and be handed to the public in an honest, unaffected, simple garb.

"It will be perceived from hence, that I am attached to the quotation. My reasons for it are, that as it is not only a fact that such an address *was written*, and on the point of being published, but *known also to one or two* of those characters who are now strongest and foremost in the opposition to the Government, and consequently to the person administering of it contrary to their views;—the promulgation thereof, as an evidence that it was much against my inclination that I continued in office, will cause it more readily to be believed, that I could have *no* view in extending the powers of the Executive beyond the limits prescribed by the Constitution, and will serve to lessen in the public estimation the pretensions of that party to the patriotic zeal and watchfulness, on which they endeavor to build their own consequence

at the expense of others, who have differed from them in sentiment. And besides, it may contribute to blunt, if it does not turn aside, some of the shafts, which, it may be presumed, will be aimed at my annunciation of this event;—among which, conviction of fallen popularity and despair of being re-elected, will be levelled at me with dexterity and keenness.

"Having struck out the reference to a *particular character* in the first page of the address, I have less (if any) objection to expunging those words which are contained within parentheses in pages 5, 7 and 8 in the quoted part, and those in the 18th page of what follows. Nor to the discarding the egotisms (however just they may be) if you think them liable to fair criticism and that they had better be omitted, notwithstanding some of them relate facts which are but little known to the community.

"My object has been and must continue to be, to avoid personalities; allusions to particular measures, which may appear pointed—and expressions which could not fail to draw upon me attacks which I should wish to avoid, and might not find agreeable to repel.

"As there will be another Session of Congress before the political existence of the present House of Representatives or my own will constitutionally expire, it was not my design to say a word to the Legislature on this subject; but to withhold the promulgation of my intention until the period, when it shall become indispensably necessary for the information of the Electors, previous to the Election, (which, this year, will be delayed until the 7th of December). This makes it a little difficult and uncertain what to say, so long beforehand, on the part marked with a pencil in the last paragraph of the 2d page.

"All these ideas and observations are confined, as you will readily perceive, to *my draft* of the valedictory address. *If you form one anew*, it will, of course, assume such a shape as you may be disposed to give it, predicated upon the sentiments contained in the enclosed paper." A paragraph on another topic, follows, and the letter closes,

"Always and sincerely I am yours,

"GEO. WASHINGTON."

From this letter it is perceived, that Washington was especially desirous to retain Madison's draft quoted in full, thereby to show, that "such an address was written, and on the point of being published, but known also to

one or *two* of those characters, *now strongest* and *foremost* in *the opposition* to the government, and consequently to the person administering of it contrary to their views," and to give evidence that he continued in office "much against his inclination;" and therefore "could have *no view* in extending the powers of the Executive beyond the limits prescribed by the Constitution."

The persons here alluded to are Jefferson and Madison. And it is a most marked manifestation, how deep and fixed was his distrust of these persons, that Washington assigned for the retaining this quotation, the additional motive, that of thus proclaiming them to the world on this solemn occasion, and thus recording a warning against them to be read and remembered by the American people to their latest posterity, that it "will serve to *lessen* in *the public estimation* the *pretensions* of that *party* to the patriotic zeal and *watchfulness* on which they endeavor to build their own consequence, *at the expense of others* who have differed from them in sentiment."

The day had indeed arrived when Washington understood "the false and insidious men"* in whom he had confided, for this letter discloses the important fact, that Washington's draft contained a reference to a particular character by name—that particular character—Madison!

The paper transmitted with this letter to Hamilton, consisted of four parts—an introduction—Madison's draft quoted in full—a succession of paragraphs on leading subjects, chiefly suggested to Washington, since he received that draft, by the course of events—and a conclusion. These constitute the whole of Washington's draft, and it is the only draft by him of which any trace or knowledge exists. It has not "*the body*" he meant to give to it, and in this view, it is to be regarded as an in-

* Infra. p. 24.

complete paper, but it has Washington's signature, showing that it contained, in substance, a declaration of the sentiments he intended to place permanently before the American people. One fact should not escape notice, that as in his letter to Madison, giving an outline of his purpose, he had deprecated "suspicions unfounded and jealousies too lively," so the *first* subject now presented by him to view, as one of the "most ardent wishes of his heart," after giving Madison's draught, (the place is suggestive,) is, that "party disputes may subside, and that charity and benevolence may so far shed their benign influence, as to banish those invectives, which proceed from *illiberal prejudices* and jealousy;"—and the *last subject* is, an injunction, while public servants, if incompetent or erring should be dismissed, or, if guilty of malpractice be punished, that the people "do not withdraw" their "*confidence* from them, the best incentive to a faithful discharge of their duty, *without just cause*"!

The residue of this paper briefly points to an exact fidelity to public engagements, foreign and domestic—to the dangers of foreign influence—to the guards against it—to preparation for self-defence—to the importance of the Union—of immunity by each Department of the General government, and of the General and State governments, from encroachment by the others, and of respect for the constituted authorities. It is in these words:

WASHINGTON'S PREPARATORY DRAUGHT.

FRIENDS AND FELLOW-CITIZENS:*

[INTRODUCTION.]—The quotation in this Address was composed, and intended to have been published in the year 1792, in time to have

* For the copies of the beginning and closing parts of this draught, (the rest is printed in the Writings of Washington, Appendix to vol. xii. pp. 387-

announced to the Electors of the President and Vice President of the United States, the determination of the former previous to the said election to that office could have been made, but the solicitude of my confidential friends * [*who were apprised of my intention and on whose judgment I did very much rely (particularly in one who was privy to the draught †) that I would suspend my determination*] added to the peculiar situation of our foreign affairs at that epoch, induced me to suspend the promulgation, lest among other reasons my retirement might be ascribed to political cowardice. In place thereof I resolved, if it should be the pleasure of my fellow-citizens to honor me again with their suffrages, to devote such services as I could render, a year or two longer, trusting that within that period all impediments to an honorable retreat would be removed.

In this hope, as fondly entertained as it was conceived, I entered upon the execution of the duties of my second administration. But if the causes which produced this postponement had any weight in them at that period, it will readily be acknowledged, that there has been no diminution in them since, until very lately, and it will serve to account for the delay which has taken place in communicating the sentiments which were then committed to writing and are now found in the following words:—

[MADISON'S DRAUGHT.]—"The period which will close the appointment with which my fellow-citizens have honored me, being not very distant, and the time actually arrived at which their thoughts must be designating the citizen who is to administer the executive government of the United States during the ensuing term, it may be requisite to a more distinct expression of the public voice, that I should ap-

894)—for a copy of this draught "amended by Hamilton on its original plan" —and for the copies of *all* of the letters of Hamilton to Washington in relation to this Address, the author is indebted to Mr. Sparks. The *originals* of these papers were *preserved* by Washington, and after his decease were deposited in the Department of State. On application for them, after an assiduous search by order of W. L. Marcy, then Secretary of State, it was ascertained, that they were not to be found. The *only paper preserved by Hamilton* was his own rough "original draught," and the letters addressed to him by Washington.

* The italicised words within brackets have a line drawn through them in the original.

† "Mr. Madison."—Note by Washington.

prise such of my fellow-citizens as may retain their partiality towards me, that I am not to be numbered among those out of whom a choice is to be made.

"I beg them to be assured that the resolution, which dictates this intimation, has not been taken without the strictest regard to the relation, which, as a dutiful citizen, I bear to my country; and that, in withdrawing that tender of my service, which silence in my situation might imply, I am not influenced by the smallest deficiency of zeal for its future interests, or of grateful respect for its past kindness; but by the fullest persuasion that such a step is compatible with both.

"The impressions under which I entered on the present arduous trust, were explained on the proper occasion. In discharge of this trust, I can only say, that I contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. For any errors, which may have flowed from this source, I feel all the regret, which an anxiety for the public good can excite; not without the double consolation, however, arising from a consciousness of their being involuntary, and an experience of the candor which will interpret them.

"If there were any circumstances which could give value to my inferior qualifications for the trust, these circumstances must have been temporary. In this light was the undertaking viewed when I ventured upon it.

"Being, moreover, still further advanced in the decline of life, I am every day more sensible, that the increasing weight of years renders the private walks of it, in the shade of retirement, as necessary as they will be acceptable to me.

"May I be allowed to add, that it will be among the highest as well as purest enjoyments that can sweeten the remnant of my days, to partake in a private station, in the midst of my fellow-citizens, of that benign influence of good laws under a free government, which has been the ultimate object of all our wishes, and in which I confide as the happy reward of our cares and labors. May I be allowed further to add, as a consideration far more important, that an early example of rotation in an office of so high and delicate a nature may equally accord with the republican spirit of our Constitution, and the ideas of liberty and safety entertained by the people.

"In contemplating the moment at which the curtain is to drop forever on the public scenes of my life, my sensations anticipate, and do

not permit me to suspend, the deep acknowledgments required by that debt of gratitude, which I owe to my beloved country for the many honors it has conferred upon me, for the distinguished confidence it has reposed in me, and for the opportunities I have thus enjoyed of testifying my inviolable attachment by the most steadfast services which my faculties could render.

"All the returns I have now to make will be in those vows, which I shall carry with me to my retirement and to my grave, that Heaven may continue to favor the people of the United States with the choicest tokens of its beneficence; that their union and brotherly affection may be perpetual; that the free Constitution, which is the work of their own hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and with virtue, and that this character may be insured to it by that watchfulness over public servants, and public measures, which on one hand will be necessary to prevent or correct a degeneracy, and that forbearance, on the other, from unfounded or indiscriminate jealousies, which would deprive the public of the best services, by depriving conscious integrity of one of the noblest incitements to perform them; that, in fine, the happiness of the people of America, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing, as will acquire them the glorious satisfaction of recommending it to the affection, the praise, and the adoption of every nation, which is yet a stranger to it.

"And may we not dwell with well-founded hopes on this flattering prospect, when we reflect on the many ties by which the people of America are bound together, and the many proofs they have given of an enlightened judgment and a magnanimous patriotism.

"We may all be considered as the children of one common country. We have all been embarked in one common cause. We have all had our share in common sufferings and common successes. The portion of the earth, allotted for the theatre of our fortunes, fulfils our most sanguine desires. All its essential interests are the same; while the diversities arising from climate, from soil, and from other local and lesser peculiarities, will naturally form a mutual relation of the parts, that may give to the whole a more entire independence, than has perhaps fallen to the lot of any other nation.

"To confirm these motives to an affectionate and permanent union, and to secure the great objects of it, we have established a common government, which, being free in its principles, being founded in our own

choice, being intended as the guardian of our common rights, and the patron of our common interests, and wisely containing within itself a provision for its own amendment, as experience may point out its errors, seems to promise every thing that can be expected from such an institution; and, if supported by wise counsels, by virtuous conduct, and by mutual and friendly allowances, must approach as near to perfection as any human work can aspire, and nearer than any which the annals of mankind have recorded.

"With these wishes and hopes, I shall make my exit from civil life; and I have taken the same liberty of expressing them, which I formerly used in offering the sentiments which were suggested by my exit from military life.

"If, in either instance, I have presumed more than I ought, on the indulgence of my fellow-citizens, they will be too generous to ascribe it to any other cause, than the extreme solicitude which I am bound to feel, and which I can never cease to feel, for their liberty, their prosperity, and their happiness."

[Hints or Heads of Topics.]—"Had the situation of our public affairs continued to wear the same aspect they assumed at the time the foregoing address was drawn, I should not have taken the liberty of troubling you, my fellow-citizens, with any new sentiment, or with a repetition more in detail of those, which are therein contained; but considerable changes having taken place, both at home and abroad, I shall ask your indulgence, while I express, with more lively sensibility, the following most ardent wishes of my heart:

"That party disputes among all the friends and lovers of their country may subside, or, as the wisdom of Providence has ordained that men on the same subjects shall not always think alike, that charity and benevolence, when they happen to differ, may so far shed their benign influence, as to banish those invectives which proceed from illiberal prejudices and jealousy.

"That as the All-wise Dispenser of human blessings has favored no nation upon earth with more abundant and substantial means of happiness than United America, we may not be so ungrateful to our Creator, so wanting to ourselves, and so regardless of posterity, as to dash the cup of beneficence, which is thus bountifully offered to our acceptance.

"That we may fulfil with the greatest exactitude *all* our engagements, foreign and domestic, to the *utmost* of our abilities, whensoever

and in whatsoever manner they are pledged; for in public, as in private life, I am persuaded that honesty will forever be found to be the best policy.

"That we may avoid connecting ourselves with the politics of any nation, farther than shall be found necessary to regulate our own trade, in order that commerce may be placed upon a stable footing, our merchants know their rights, and the government the ground on which those rights are to be supported.

"That every citizen would take pride in the name of an American, and act as if he felt the importance of the character, by considering, that we ourselves are now a distinct nation, the dignity of which will be absorbed, if not annihilated, if we enlist ourselves, farther than our obligations may require, under the banners of any other nation whatever. And, moreover, that we should guard against the intrigues of any and every foreign nation, who shall endeavor to intermingle, however covertly and indirectly, in the internal concerns of our country, or who shall attempt to prescribe rules for our policy with any other power, if there be no infraction of our engagements with themselves, as one of the greatest evils that can befall us as a people; for, whatever may be their professions, be assured, fellow-citizens, and the event will, as it always has, invariably prove, that nations as well as individuals act for their own benefit, and not for the benefit of others, unless both interests happen to be assimilated; and when that is the case there requires no contract to bind them together; that all their interferences are calculated to promote the former; and, in proportion as they succeed, will render us less independent. In a word, nothing is more certain, than that, if we receive favors we must grant favors; and it is not easy to decide beforehand under such circumstances as we are, on which side the balance will ultimately preponderate; but easy indeed is it to foresee, that it may involve us in disputes, and finally in war, to fulfil political alliances. Whereas, if there be no engagements on our part, we shall be unembarrassed, and at liberty at all times to act from circumstances, and the dictates of justice, sound policy, and our essential interests.

"That we may be always prepared for war, but never unsheath the sword except in self-defence, so long as justice, and our essential rights and national respectability, can be preserved without it; for without the gift of prophecy it may safely be pronounced, that, if this country can remain in peace twenty years longer (and I devoutly pray, that it may do so to the end of time) such, in all probability, will be

its population, riches, and resources, when combined with its peculiarly happy and remote situation from the other quarters of the globe, as to bid defiance, in a just cause, to any earthly power whatsoever.

"That, whensoever and so long as we profess to be neutral, our public conduct, whatever our private affections may be, may accord therewith; without suffering partialities on one hand, or prejudices on the other, to control our actions. A contrary practice is not only incompatible with our declarations, but is pregnant with mischief, embarrassing to the Administration, tending to divide us into parties, and ultimately productive of all those evils and horrors, which proceed from faction.

"That our Union may be as lasting as time; for, while we are encircled in one band, we shall possess the strength of a giant, and there will be none who can make us afraid. Divide, and we shall become weak, a prey to foreign intrigues and internal discord, and shall be as miserable and contemptible, as we are now enviable and happy.

"That the several departments of government may be preserved in their utmost constitutional purity, without any attempt of one to encroach on the rights or privileges of another; that the General and State governments may move in their proper orbits; and that the authorities of our own Constitution may be respected by ourselves, as the most certain means of having them respected by foreigners.

"In expressing these sentiments it will readily be perceived, that I can have no other view now, whatever malevolence might have ascribed to it before, than such as results from a perfect conviction of the utility of the measure. If public servants, in the exercise of their official duties, are found incompetent, or pursuing wrong courses, discontinue them. If they are guilty of malpractices in office, let them be more exemplarily punished. In both cases, the Constitution and laws have made provision; but do not withdraw your confidence from them, the best incentive to a faithful discharge of their duty, without just cause; nor infer, because measures of a complicated nature, which time, opportunity, and close investigation alone can penetrate,—for these reasons are not easily comprehended by those who do not possess the means,—that it necessarily follows they must be wrong. This would not only be doing injustice to your trustees, but be counteracting your own essential interests, rendering those trustees, if not contemptible in the eyes of the world, little better at least, than ciphers in the administration of the government, and the Constitution of your own choosing would reproach you for such conduct.

[Conclusion.]—As this Address, fellow-citizens, will be the last I shall ever make you, and as some of the Gazettes of the United States have teemed with all the invective that disappointment, ignorance of facts and malicious falsehoods could invent, to misrepresent my politics and affections; to wound my reputation and feelings; and to weaken if not entirely destroy the confidence you have been pleased to repose in me; it might be expected at the parting scene of my public life that I should take some notice of such virulent abuse. But, as heretofore, I shall pass them over in utter silence; never having myself, nor by any other with my participation or knowledge, written, or published a scrap in answer to any of them. My politics have been unconcealed; plain and direct. They will be found (so far as they relate to the Belligerent Powers) in the Proclamation of the 22d of April, 1793; which, having met your approbation, and the confirmation of Congress, I have uniformly and steadily adhered to—uninfluenced by, and regardless of the complaints and attempts of *any of those* powers or their partisans to change them.

The acts of my administration are on Record. By these which will not change with circumstances, nor admit of different interpretations, I expect to be judged. If they will not acquit me, in your estimation, it will be a source of regret; but I shall hope notwithstanding, as I did not seek the office with which you have honored me, that charity may throw her mantle over my want of abilities to do better—that the gray hairs of a man who has, excepting the interval between the close of the Revolutionary War, and the organization of the new government—either in a civil, or military character, spent five and forty years—*All the prime of his life*—in serving his country—be suffered to pass quietly to the grave—and that his errors, however numerous, if they are not criminal, may be consigned to the tomb of oblivion, as he himself soon will be to the mansions of retirement.

To err is the lot of humanity, and never for a moment, have I ever had the presumption to suppose that I had not a full proportion of it.—Infallibility not being the attribute of man, we ought to be cautious in censuring the opinions and conduct of one another.—To avoid intentional error in my public conduct, has been my constant endeavor; and I set malice at defiance to charge me, justly, with the commission of a wilful one; or, with the neglect of any public duty, which in my opinion ought to have been performed, since I have been in the administration of the government.—An administration which I do not hesitate to pronounce—the infancy of the government, and all

other circumstances considered—that has been as difficult, delicate and trying as may occur again in any future period of our history.—Through the whole of which I have to the best of my judgment, and with the best information and advice I could obtain, consulted the true and permanent interest of my country without regard to local considerations—to individuals—to parties—or to nations.

To conclude, and I feel proud of having it in my power to do so with truth, that it was not from ambitious views;—it was not from ignorance of the hazard to which I knew I was exposing my reputation;—it was not from an expectation of pecuniary compensation that I have yielded to the calls of my country;—and that if my country has derived no benefit from my services, my fortune, in a pecuniary point of view, has received no augmentation from my country.—But in delivering this last sentiment, let me be unequivocally understood as not intending to express any discontent on my part, or to imply any reproach on my Country on that account.—[The first would be untrue —the other ungrateful.—And no occasion more fit than the present may ever occur perhaps to declare, as I now do declare, that nothing but the principle upon which I set out—and from which I have, in no instance departed—not to receive more from the public than my expenses, has restrained the bounty of several Legislatures at the close of the war with Great Britain from adding considerably to my pecuniary resources.]* I retire from the chair of Government no otherwise benefited in this particular than what you have all experienced from the increased value of property, flowing from the peace and prosperity with which our Country has been blessed amidst tumults which have harassed and involved other countries in all the horrors of war—I leave you with undefiled hands—an uncorrupted heart—and with ardent vows to heaven for the welfare and happiness of that Country in which I and my forefathers to the third or fourth progenitor drew our first breath. "GEO. WASHINGTON."

In performance of the delicate trust confided to him, Hamilton now prepared an "Abstract of Points" to form an Address. These "Points" are twenty-three in number. The first ten are derived from Madison's draft, which embraced Washington's suggestions in his letter to

* Note in Washington's hand as to the part in brackets—"This may or not be omitted."

him, and a few by Madison. The subject of "rotation" in office is omitted by Hamilton, and the language of Washington in one instance softened. A Constitutional provision against the re-eligibility of a President, Hamilton had objected to in the earlier proceedings of the Federal Convention, but when the checks he sought to interpose to the Executive power were not obtained, he then proposed to restrict the President's continuance in office to two succeeding terms. "Rotation," confining the Presidency to one term, as contemplated by Madison practically in his draft, and for a mere purpose of the moment, he could not approve. The sensibility of Washington to the incessant attacks upon himself, Hamilton well understood, but, though doing justice to his feelings, he preferred to raise the tone of the Address to the height of its noble intents, looking more to the past and to the future than to the present, for the present would soon become the past. To have availed himself of the indignant feelings of Washington, to vindicate the wrongs he had himself suffered in the administration of the government, would have been to depart from his own magnanimity.

The remaining "Points of the Abstract" are marked with this high purpose. The Address was to be indeed, a vindication and an admonition—the former not to pass out of view; the latter, as time rolled on, to rise into bolder perspective as a great monument of commanding, comprehensive, lofty truths perpetuating lessons of increasing and imperishable value.

The chief thought was "Union under one Government." This was Hamilton's chief thought—the thought of his whole life—around which every other of his great thoughts clustered in rich profusion. This was the theme of "the Federalist," and the subdivisions of this part of his "Abstract" are but a summary presentment of the leading motives to maintain "Unity of Empire" under

one "General National Government," urged in that treatise, to induce its establishment—its first—its latest topic.*

* Abstract of Points (Hamilton's Works, vii. 572. 1796):

"To consider the Union as the rock of their salvation, presenting summarily these ideas.

"Safety, Peace, and Liberty, and Commerce.

"1. The strength and greater security from external danger.

"2. Internal peace, and avoiding the necessity of establishments dangerous to liberty.

"3. Avoids the effects of foreign intrigue.

"4. Breaks the force of faction by rendering combinations more difficult."

Hamilton's Original Draft of a Farewell Address (Hamilton's Works, vii. 580. 1796):

"The unity of Government which constitutes you one people—as a main pillar of your real independence. All the parts of our country will find in their Union strength, proportional security from external danger, less frequent interruption of their peace with foreign nations, and an exemption from those broils and wars between the parts, if disunited."

The Farewell Address issued by Washington, Sept. 19, 1796:

"The Unity of Government which constitutes you one people. It is a main pillar * * * of your real independence." "All the parts combined cannot fail to find in the united mass of means and efforts greater strength * * * proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations * * an exemption from those broils and wars between themselves" if "not tied together."

The Federalist—*Contents:*

No. I. "Union under one Government."

Nos. II., III., IV., V. "Concerning dangers from foreign force and influence."

Nos. VI., VII. "Concerning dangers from wars between the States."

No. VIII. "The effects of internal war in producing standing armies and other institutions unfriendly to liberty."

Nos. IX., X. "The utility of the Union as a safeguard against domestic faction and insurrection."

No. LXXXV. (The last number.) "A general national government."

The table of contents here quoted was prefixed by Hamilton to the first edition of "The Federalist" in two duodecimo volumes, with a preface dated March 17, 1788. It is omitted in the edition revised by Madison.

"Cherish the actual government" (Point XII. of the Abstract) is the next injunction. "It is the government of our own choice, free in its principles, the guardian of our common rights, the patron of our common interests, and containing within itself a provision for its own amendment. But let that provision be cautiously used—not abused; changing only in material points, as experience shall direct, neither indulging speculations of too much or too little force in the system, and remembering always the extent of our country. Time and habit of great consequence to every government of whatever structure.* Discourage the spirit of faction, the bane of free government, and particularly avoid founding it on geographical discriminations. Discountenance slander of public men. Let the Departments of Government avoid interfering and mutual encroachments."

The next Point, (the XIIIth), after enumerating the great objects of care and interest, "morals, religion, industry, commerce, economy," touches a subject, naturally prominent in Hamilton's mind, "Cherish public credit, source of strength and security. Adherence to *systematic* views."

Having thus embraced all that related to the Union, to the government of the nation, its internal interests, duties, dangers and supports, the Abstract passed to its foreign relations. These, in their wide bearings, nearly constitute the entire subject of the residue of this preparatory outline.

These relations are seen to have assumed a large relative space in Washington's Address, nor were they a subject of less proportional magnitude in Hamilton's plan.

* A cursory perusal of "The Federalist" will make apparent how these topics there rise into view in their obvious relations.

(Point XIV.) "Cherish good faith, justice and peace, with other nations. 1. Because religion and morality dictate it. 2. Because policy dictates it. If there could exist a nation invariably honest and faithful, the benefits would be immense. But avoid national antipathies or national attachments." The evils were pregnant and pressing—"*Display the evils;* fertile sources of wars—instrument of *ambitious rulers.*" "Republics (Point XV.) peculiarly exposed to foreign intrigue, those sentiments lay them open to it. The great rule of our foreign politics (Point XVI.) ought to be to have as *little political connection* as possible with foreign nations. Cultivating commerce with all by *gentle* and *natural* means, diffusing and diversifying it, but *forcing nothing*—and cherish the sentiment of *independence*, taking pride in the appellation of American.*—Our separation from Europe (Point XVII.) renders standing alliances inexpedient, subjecting our peace and interest to the primary and complicated relations of European interests. Keeping constantly in view to place ourselves upon a respectable *defensive*, and if forced into controversy, trusting to connections of the occasion.—Our attitude (Point XVIII.) imposing, and rendering this policy safe. But this must be with the exception of existing engagements, to be preserved, but not extended." "It is not expected," it is finally observed, (Point XIX.) "that these admonitions can control the course of the human passions, but if they only moderate them in some instances, and now and then excite the reflections of virtuous men, heated by party spirit," the "endeavor is rewarded."

"How far in the administration of my present office,"

* In the margin is this note: "Establishing *temporary* and convenient *rules*, that commerce may be placed on a *stable footing*, merchants know their commerce; how to support them, not seeking favors."

it proceeds (Point XX.) "my conduct has conformed to these principles, the public records must witness. My conscience assures me that I believed myself guided by them—Particularly in relation to the present war" (Point XXI.) "the Proclamation of the 22d April, 1793, is the key to my plan. Approved by your voice and that of your representatives in Congress, the spirit of that measure has continually guided me, uninfluenced by and regardless of the complaints or attempts of any of the powers at war or their partisans to change them."

This part of Washington's draft introduced in this Abstract was altered in the final paper. His language also expresses the proposed conclusion of the Address, modified ultimately in Hamilton's draft, by nice considerations of personal delicacy proper to the retiring President.

On this Abstract, an ample base, arose the superstructure from Hamilton's hand, in all its expanded fulness, gradation, order, proportions, and symmetry.* The "sentiments" of Washington are embodied in it with few exceptions, and in the language of Washington where it could well be employed. A part of Madison's draft is also retained, in obedience to Washington's strong desire, and for his specific object, but with some of its expressions subdued. The whole is evidently a work of affection and duty to Washington, of affection and duty to the American people, to the great cause of regular liberty, good government, and thus of mankind.

Instead of a declaratory, it assumes a demonstrative form. Each leading comprehensive principle is clearly

* It is entitled by him, "Original Draft," and occupies nearly twenty pages in Hamilton's Works, vii. 575. The original manuscript in his handwriting is in the Department of State, with this endorsement also in his handwriting—"Original Draft—Copy considerably amended."

stated. Each subsidiary thought has its large logical relation to the principle and to the other thoughts; and the result is, not merely a mass of truths, as is that of Washington, but truths interwoven, illustrated, proven, made more teaching by being made manifest, not to be questioned, while a quiet glory reigns over the whole.*

The leading topic, "Union," is not regarded in a positive shape, to be preserved because established, but as the Union Hamilton had so labored to form and to maintain—"a more perfect Union" of high, large, growing, entwining interests, of lofty pride and lofty hopes—the achievement almost miraculous—an Union under "one national government," not a mere confederation of States—that government replete with cares and duties, and imposing on the people themselves, as "the government of their own choice," the cares and duties of obedience and of preservation; amendable by its own provisions, which forbade rash innovations, and needing all the contignations of "Time and Habit." †

Thus viewed and thus commended, its dangers and its safeguards are briefly stated. The fatal tendency "of combinations and associations, interfering with the regular action of the constituted authorities," has the next place. Hamilton had seen their recent effects, and was the chief instrument in suppressing them. He had felt the weakness of the national arm; and having declared,

* "There is nothing in profane history to which his" (Washington's) "parting Address can be compared. In our sacred Scriptures alone we find a parallel in that recapitulation of divine instructions and commands which the Legislator of the Jews made in the hearing of Israel, when they were about to pass the Jordan." Annual Register, 1796, p. 203.

He "bequeathed to his countrymen an Address on leaving the Government, to which there is no composition of uninspired wisdom which can bear a comparison." Alison's History, iii. 99, 1796-7.

† Federalist, No. 85.

that "in a country so extensive, a government of as much force and strength, as is consistent with the perfect security of liberty, is indispensable," * he added: "In my opinion, the real danger in our system is, that the General Government, organized as at present, will prove too weak, rather than too powerful." This after assumed a different shape. The alarming consequences of "party spirit" as founded "in geographical discriminations" having been portrayed, the "baneful effects" of it, "in general" are pointed out. Its conflicts in Republics of large extent are asserted "to offer the only avenues to tyranny and usurpation." "Itself a frightful despotism, it leads at length to a more formal and permanent despotism." Its effects are delineated with all the power of one who had studied it closely, opposed it strenuously, and who, though knowing himself to have been the chief object of its hostility, felt that, when measured by the great rules of historical justice, his motives and his services would be fully appreciated. The tendency of a spirit of encroachment to absorb the powers of the several branches and departments into one, and thus to establish, under whatever form, a despotism, was too recent in the attempt to defeat the treaty with Great Britain by an "usurpation," which Washington had defeated by his firmness, not to be brought into view. Jefferson and Madison, now its prompters, had each descried and emphatically deprecated its dangers.†

"The opinion of the people" is appealed to as the preventive, and "the chief supports of the dispositions which lead to prosperity" are called into view.—"Moral-

* "The vigor of government is essential to the security of liberty." "Federalist, No. 1, by Hamilton.

† "Federalist," No. 48, by Madison. "Notes on Virginia, p. 195, by Jefferson.

ity and Religion"—private and public. The public morals of the country had been trifled with in the resistance to the payment of debts due to British subjects, and by the propositions to sequester British property in the public funds. Religion was a frequent subject of mockery with the leader of the opposition, and Europe was overclouded with an armed Atheism menacing the safety of the civilized world. "Can we believe, can we in prudence, suppose that National morality can be maintained in exclusion of religous principle? Does it not require the aid of a generally received and divinely authoritative religion?" "Cultivate also industry and frugality. They are auxiliaries of good morals, and great sources of private and national prosperity." "Is there not more luxury among us, in various classes, than suits the actual period of our national progress?"

The larger prudence of cherishing "Public credit as a means of strength and security" is next inculcated. "Use it as little as possible"—"Avoid the accumulation of debt by avoiding occasions of expense, and by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not transferring the burthen which we ought to bear ourselves." This had been the topic of his first and latest financial Reports.*

* "Abstract of Points" XIII. "Cherish public credit—source of strength and security." Hamilton's Works, vii. 573, 1796.

Hamilton's Original Draft of a Farewell Address, 1796:

"Cherish public credit as a means of strength and security"—"As one method of preserving it, use it as little as possible, avoid occasions of expense, by cultivating peace—Avoid the accumulation of debt by avoiding occasions of expense, and by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not transferring to posterity the burthen which we ought to bear ourselves." Ibid., 588.

Hamilton's draught then opens on the great subject of foreign influence, with an admonition, at that time of the most urgent, and at all times of the wise duty, of cherishing "good faith and justice towards and peace and harmony with all nations," enjoined by religion and morality, demanded by true policy.

The importance of a National Government in enabling the fulfilment of this duty had been a prominent and much enforced topic of "The Federalist." The experience of seven years had shown the value of a national government in its performance, the embarrassments it encountered, the triumph, thus far, of good faith, justice, peaceful counsels over national "antipathies and attach-

THE FAREWELL ADDRESS ISSUED BY WASHINGTON, 1796:

"As a very important source of strength and security, cherish public credit. One method of preserving it is, to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, * * * avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burthen, which we ourselves ought to bear."

Hamilton's *Reports on Public credit*, 1790, 1795:

"Credit, public and private, is of the greatest consequence to every country. Of this it might emphatically be called the invigorating principle."—"Credit is not only one of the main pillars of the public safety, it is among the principal engines of useful enterprise and internal improvement."—"It will be the truest policy of the United States, to give all possible energy to public credit, by a firm adherence to its strictest maxims; and yet avoid the ills of an excessive employment of it by true economy and system in the public expenditures, by steadily cultivating peace, and by using sincere, efficient and persevering endeavors to diminish present debts, prevent the accumulation of new, and secure the discharge within a reasonable period of such, as it may be, at any time, matter of necessity to contract." Hamilton's Works, iii. 2, 524, 526, 528.

ments," over "the insidious wiles of foreign influence," aided by "ambitious, corrupted or deluded citizens."

The noble passage from Hamilton's pen, "It will be worthy of a free, enlightened, and, at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence," spoke one of the warmest wishes of his heart—a chief source of his solicitudes, a chief object of his never-ceasing labors. And Washington would not close his Address without, in pointed terms, referring to the "Proclamation of Neutrality" as "the index to his plan." "My politics," are his own honest words, "have been unconcealed, plain and direct."

As to this, as it is seen to have been in respect to its other most important topics, Hamilton's Abstract and Address are but a presentation, in another form, though often in the same words, of the principles of national policy, which he had built up into a system in his official papers.*

* Abstract, Hamilton's Works, vii. 573, 1796:

"Cherish good faith, justice and peace with other nations because religion and morality dictate it."

Hamilton's Draught of a Farewell Address (Hamilton's Works, vii. 588, 1796):

"Cherish good faith and justice towards and peace and harmony with all nations. Religion and morality enjoin this conduct."

The Farewell Address issued by Washington, 1796:

"Observe good faith and justice towards all nations, cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be, that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give mankind the magnanimous and too novel an example, of a people always guided by an exalted justice and benevolence."

Hamilton's Cabinet Opinion, 1790 (Hamilton's Works, iv. 57):

"However vague the obligations of gratitude may be between nations, those of good faith are precise and determinate."

While engaged in preparing this paper, Hamilton in the month of June addressed a letter to Washington communicating important information as to intended violations of American commerce by French cruisers. The

ABSTRACT (Hamilton's Works, vii. 573):

"The great rule of our foreign politics ought to be to have, as little political connection as possible with foreign nations."

HAMILTON'S DRAUGHT OF A FAREWELL ADDRESS (Hamilton's Works, vii. 591):

"The great rule of conduct for us in regard to foreign nations, ought to be to have as little political connection with them as possible."

THE FAREWELL ADDRESS ISSUED BY WASHINGTON, 1796:

"The great rule of conduct for us, in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible."

HAMILTON'S CABINET OPINION (Hamilton's Works, iv. 64, 1790):

"The most general opinion is, that it is our true policy, to steer as clear as possible of all foreign connection, other than commercial."

"HORATIUS" (Hamilton's Works, vii. 172):

"If you consult your true interest, your motto cannot fail to be, 'Peace and Trade with All Nations—beyond our present engagements, Political Connection with None.'"

HAMILTON'S ABSTRACT (Hamilton's Works, vii. 573):

"Our separation from Europe renders standing alliances inexpedient."

HAMILTON'S DRAFT OF A FAREWELL ADDRESS (Hamilton's Works, vii. 591. 1796):

"Our detached and distant situation invites us to a different course, and enables us to pursue it. Permanent alliance, intimate connection with any part of the foreign world, is to be avoided."

THE FAREWELL ADDRESS ISSUED BY WASHINGTON. 1796:

"Our detached and distant situation invites and enables us to pursue a different course." "It is our true policy to steer clear of permanent alliances with any portion of the foreign world."

HAMILTON'S CABINET OPINION. 1790. (Hamilton's Works, iv. 64):

Condemning "systems which proceed on the supposition of a permanent interest to prefer a particular connection;" he adds, "the position of the United States, detached as they are from Europe, admonishes them to unusual circumspection on that point."

President replied on the twenty-sixth of that month, in a letter previously quoted, propounding an inquiry as to his power to appoint an envoy extraordinary during the recess of the Senate. He proceeded—"As the affairs of this country, in their administration, receive *great embarrassment* from *the conduct* of characters among ourselves, and as every act of the Executive is *misrepresented* and *tortured* with a view to make it *appear odious*, the aid of the *friends to government* is peculiarly necessary under such circumstances and at such a crisis as the present."

HAMILTON'S ABSTRACT (Hamilton's Works, vii. 573):

"Cultivating commerce with all by gentle and natural means, diffusing and diversifying it, but forcing nothing, establishing temporary rules; not seeking favors."

HAMILTON'S DRAFT OF A FAREWELL ADDRESS (Hamilton's Works, vii. 592):

"Harmony, liberal intercourse, and commerce with all nations are recommended by justice, humanity and interest. But even our commercial policy should hold an equal hand, neither seeking nor granting exclusive favors or preferences, consulting the natural course of things, diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing,"—"establishing temporary rules of intercourse."

THE FAREWELL ADDRESS ISSUED BY WASHINGTON, 1796:

"Harmony, liberal intercourse with all nations, are recommended by policy, humanity and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences, consulting the natural course of things, diffusing and diversifying by gentle means the streams of commerce, but forcing nothing—establishing," &c.

HAMILTON'S CABINET OPINION (Hamilton's Works, iv. 64. 1790):

"It is our true policy" in our "commercial" relations, "to cultivate intercourse with all the world on the broadest basis of reciprocal privilege."

HAMILTON TO WASHINGTON, July 6, 1795, Infra. 283:

"But, upon the whole, we shall be least likely to be deceived, by taking this as the basis of our commercial system—that we are not to make particular sacrifices, nor expect particular favors from any power."

Among these, having expressed a wish that Jay should be consulted, he adverted to the Farewell Address:

"Having from a variety of reasons (among which a disinclination to be longer buffeted in the public prints by a set of infamous scribblers) taken my ultimate determination to seek the post of honor in a private station, I regret exceedingly, that I did not publish my valedictory address the day after the adjournment of Congress. This would have preceded the canvassing for electors (which is commencing with warmth in this State). It would have been announcing *publicly* what seems to be very well understood and is industriously propagated *privately*.

"It would have removed doubts from the minds of *all*, and left the field clear for *all*. It would, by having preceded any unfavorable change in our foreign relations, (if any should happen,) render my retreat less difficult and embarrassing. And it might have prevented the remarks, which, more than probable, will follow a late annunciation—namely, that I delayed it long enough to see that the current was turned against me, before I declared my intention to decline. This is one of the reasons which makes me a *little tenacious of the draft I furnished you with, to be modified and corrected.*

"Having passed, however, what *I now* conceive would have been the *precise* moment to have addressed my constituents, let me ask your opinion (under a full conviction that nothing will shake my determination to withdraw) of the *next* best time, considering the present, and what may probably, be the existing state of things at different periods previous to the election; or rather the middle of October, beyond which the promulgation of my intentions cannot be delayed. Let me hear from you as soon as it is convenient, and be assured always of the sincere esteem and affectionate regard of G. WASHINGTON."

Hamilton answered on the fifth of July, chiefly as to other topics, and added:

"As to your resignation, Sir, it is not to be regretted that the declaration of your intention should be suspended as long as possible, and suffer me to add, that you should *really hold the thing undecided to the last moment.* I do not think it is in the power of party to throw any slur upon the lateness of your declaration. And you have an obvious justification in the state of things. If a storm gathers, how can you retreat? This is a most serious question.

"The proper period now for your declaration seems to be *two months* before the time for the meeting of the Electors. This will be sufficient. The parties will in the mean time electioneer conditionally, that is to say, *if you decline;* for a serious opposition to you will, I think, hardly be *risked.*

"I have completed the first draft" (his own draft) "of a certain paper, and shall shortly transcribe, correct, and forward it. I will then also prepare and send forward, without delay, the original paper," (Washington's draft) "corrected upon the general plan of it, so that you may have *both* before you for a *choice* in full time, and for alteration, if necessary."

On the thirtieth of July he transmitted to the President a "copy" of his own "original draft," as he states, "considerably amended." To this amended copy access cannot be had. That it was in existence very recently in the hands of a known possessor is certain, but whether it is still in existence or not, and whether it shall be produced or published hereafter is not now a matter of the least importance. The identity of the Farewell Address with Hamilton's "original draft," in body, features, expression and spirit has been established beyond controversy. The difference between that "original draft" and the amended copy of it is only the difference between a first production of the study, and the nicer finish given to it for the public eye—a difference which does not, in any essential degree, affect the identity.

Hamilton's letter enclosing this "amended copy" is in these words:

"New York, July 30th, 1796.—Sir: I have the pleasure to send you herewith a certain draft, which I have endeavored to make as perfect as my time and engagements would permit. It has been my object to render this act importantly and lastingly useful, and, avoiding all just cause of present exception, to embrace such reflections and sentiments as will wear well, progress in approbation with time, and redound to future reputation. How far I have succeeded, you will judge.

"I have begun the second part of the task—the digesting of the supplementary remarks to the first Address, which, in a fortnight, I hope also to send you; yet I confess the more I have considered the matter, the less eligible this plan has appeared to me. There seems to me to be a certain awkwardness in the thing, and it seems to imply that there is a doubt whether the assurance without the evidence, would be believed. Besides that, I think, that there are some ideas which will not wear well in the former Address, and I do not see how any part can be omitted, if it is to be given as the thing formerly prepared. Nevertheless, when you have both before you, you can judge.

"If you should incline to take the draft now sent, and, after perusing and noting any thing that you wish changed, and will send it to me, I will, with pleasure, shape it as you desire. This may also put it in my power, to improve the expression, and perhaps, in some instances, condense.

"I rejoice, that certain clouds have not lately thickened, and that there is a prospect of a brighter horizon.

"With affectionate and respectful attachment, I have the honor to be, Sir, your very obedient servant,

"A. HAMILTON."

"The President of the United States."

Having completed what Hamilton here calls the "second part of the task, the digesting the supplementary remarks to the first Address,"—Washington's own draft including Madison's, "corrected according to the general plan of it," by Hamilton—an interview was had with Jay in accordance to Washington's request. This draft was then deliberately read. "Some amendments were made, but none of much importance," * and on the tenth of August, it was also transmitted by Hamilton to the President, accompanied with a short note:

"SIR: About a fortnight ago I sent you a certain draft. I now send you another, on the plan of incorporation. Whichever you may prefer, if there be any part you wish to transfer from one to another, any part to be changed, or if there be any material idea in your own

* Jay's letter, previously referred to.

draft which has happened to be omitted, and which you wish introduced,—in short, if there be any thing further in the matter in which I can be of any [service], I will, with great pleasure, obey your commands.

"Very respectfully and affectionately I have the honor to be, Sir;

"Your obedient servant,

"A. HAMILTON.

"To the President. Aug. 10, 1796."

On the same day, Washington replied to Hamilton's letter of the thirtieth of July, acknowledging the receipt of his draft.

"MOUNT VERNON, August 10th, 1796.—MY DEAR SIR: The principal design of this letter is to inform you that your favor of the 30th ult., with its enclosure, got safe to my hands by the last post, and that the latter shall have the most attentive consideration I am able to give it.

"A cursory reading it has had, and the sentiments therein contained are extremely just, and such as ought to be inculcated. The doubt that occurs at first view, is the length of it for a newspaper publication; and how far the occasion would countenance its appearing in any other form, without dilating more on the present state of matters, is questionable. All the columns of a large Gazette would scarcely, I conceive, contain the present draught.

"But having made no accurate calculation of this matter, I may be much mistaken. If any matters should occur to you as fit subjects of communication at the opening of the next session of Congress, I would thank you for noting and furnishing me with them. It is my wish and my custom to provide all the materials for the speech in time, that it may be formed at leisure.

"With sincere esteem and affectionate regard, I am always yours,

"GEORGE WASHINGTON.

"Col. A. HAMILTON."

Having taken the requisite time for examination and reflection, with the three drafts—his own draft—this draft as corrected by Hamilton, and the "amended copy" of Hamilton's own original draught, before him, Washing-

ton, on the twenty-fifth of August, retaining permanently his own draft; and this draft as corrected by Hamilton placing them wholly aside, wrote to him, returning to him "the amended copy of" Hamilton's "original draft," which he fully adopts, to be revised by him, because he had intimated his desire so to do.

["PRIVATE.]

"PHILADELPHIA, August 25th, 1796.—MY DEAR SIR: I have given the paper herewith enclosed several serious and attentive readings, and prefer it greatly to the other drafts, being more copious on material points, more dignified on the whole, and with less egotism; of course, less exposed to criticism, and better calculated to meet the eye of discerning readers (foreigners particularly, whose curiosity, I have little doubt, will lead them to inspect it attentively, and to pronounce their opinions on the performance). When the first draft was made, besides having an eye to the consideration above mentioned, I thought the occasion was fair (as I had lately been the subject of considerable invective) to say what is there contained of myself, and as the address was designed in a more especial manner for the yeomanry of this country, I conceived it was proper they should be informed of the object of that abuse, the silence with which it had been treated, and the consequences which would naturally flow from such unceasing and virulent attempts to destroy all confidence in the Executive part of the Government;—and that it was best to do it in language that was plain and intelligible to their understanding.

"The draft now sent comprehends the most, if not all, these matters; is better expressed; and I am persuaded goes as far as it ought with respect to any personal mention of myself.

"I should have seen no occasion, myself for its undergoing a revision. But as your letter of the 30th ult. which accompanied it intimates a wish to do this, and knowing that it can be more correctly done after a writing has been out of sight for some time than while it is in hand, I send it in conformity thereto—with a request, however, that you would return it as soon as you have carefully re-examined it; for it is my intention to hand it to the public before I leave this city, to which I came for the purpose of meeting General Pinckney, receiving the Ministers from Spain and Holland, and for the despatch

of other business, which could not be so well executed by written communications between the heads of Departments and myself, as by oral conferences. So soon as these are accomplished, I shall return; at any rate, I expect to do so, by, or before, the tenth of next month, for the purpose of bringing up my family for the winter.

"I shall expunge all that is marked in the paper as unimportant, &c., &c.; and as you perceive some marginal notes, written with a pencil, I pray you to give the sentiments so noticed, mature consideration. After which, and in every other part, if change or alteration takes place in the draft, let them be so clearly interlined, erased, or referred to in the margin, as that no mistake may happen in copying it for the press.

"To what editor in *this* city do you think it had best be sent for publication? Will it be proper to accompany it with a note to him, expressing (as the principal design of it is to remove doubts at the next election) that it is hoped, or expected, that the State Printers will give it a place in their Gazettes—or preferable to let it be carried by my private Secretary to that press which is destined to usher it to the world, and suffer it to work its way afterwards? If you think the first most eligible, let me ask you to sketch such a note as you may judge applicable to the occasion. With affectionate regard, I am always yours,

"GEO. WASHINGTON.

"Col. A. HAMILTON."

On the first of September, Washington again wrote to Hamilton, observing,

["PRIVATE.]

"About the middle of last week I wrote to you;—and that it might escape the eye of the inquisitive (for some of my letters have lately been pried into,) I took the liberty of putting it under a cover to Mr. Jay.

"Since then, revolving on the paper that was enclosed therein; on the various matters it contained; and on the just expression of the advice or recommendation which was given in it, I have regretted that another subject (which in my estimation is of interesting concern to the well-being of this country) was not touched upon also: I mean Education *generally*, as one of the surest means of enlightening and giving just ways of thinking to our citizens; but particularly the es-

tablishment of a University, where the youth from *all parts* of the United States might receive the polish of Erudition in the Arts, Sciences, and Belles-Lettres; and where those who were disposed to run a political course, might not only be instructed in the theory and principles, but (this Seminary being at the Seat of the General Legislature,) would be in session half the year, and the interests and politics of the nation of course would be discussed, they would lay the surest foundation for the practical part also.

"But that which would render it of the highest importance, in my opinion, is, that the juvenal period of life, when friendships are formed, and habits established, that will stick by one; the youth, or young men from different parts of the United States would be assembled together, and would by degrees discover that there was not that cause for those jealousies and prejudices which one part of the Union had imbibed against another part;—of course, sentiments of more liberality in the general policy of the Country would result from it. What, but the mixing of people from different parts of the United States during the War rubbed off these impressions? A century in the ordinary intercourse, would not have accomplished what the seven years' association in arms did:—but that ceasing, prejudices are beginning to revive again; and never will be eradicated so effectually by any other means as the intimate intercourse of characters in early life, who, in all probability, will be at the head of the councils of this country in a more advanced stage of it.

"To show that this is no *new* idea of mine, I may appeal to my early communications to Congress;—and to prove how seriously I have reflected on it since, and how well-disposed I have been and still am to contribute my aid towards carrying the measure into effect, I enclose you the extract of a letter from me to the Governor of Virginia on this subject, and a copy of the resolves of the Legislature of that State in consequence thereof.

"I have not the smallest doubt that this donation (when the navigation is in complete operation, which it certainly will be in less than two years) will amount to £1200 or £1500 sterling a year, and become a rapidly increasing fund. The proprietors of the Federal City have talked of doing something handsome towards it likewise;—and if Congress would appropriate some of the Western lands to the same uses, funds sufficient, and of the most permanent and increasing sort, might be so established as to invite the ablest professors in Europe to conduct it.

"Let me pray you, therefore, to introduce a section in the address expressive of these sentiments, and recommendatory of the measure—without any mention, however, of my proposed personal contribution to the plan.

"Such a Section would come in very properly after the one which relates to our religious obligations,—or in a preceding part, as one of the recommendatory measures to counteract the evils arising from geographical discriminations.

"With affectionate regard, I am always yours,

"GEO. WASHINGTON."

Hamilton on the fourth of September thus acknowledged Washington's letter:

"NEW YORK, Sept. 4th, 1796.—SIR: I have received your two late letters, the last but one transmitting me a certain draught. It will be *corrected* and *altered* with *attention* to your suggestions, and returned by Monday's or Tuesday's post. The idea of the University is one of those which I think will be most properly reserved for your speech at the opening of the Session. A general suggestion respecting education, will very fitly come into the Address.

"With respect and affectionate attachment,

"I have the honor to remain, Sir,

"Your very ob't ser't,

"A. HAMILTON.

"The President."

Two days after, on the sixth of September, Washington answered:

"PHILADELPHIA, 6th Sept., 1796.—MY DEAR SIR: I received yesterday your letter of the 4th inst. If the promised paper has not been sent before this reaches you, Mr. Kipp, the bearer of it, who goes to New York partly on mine and partly on his own business, will bring it safely. I only await here now, and shall in a few days do it impatiently, for the arrival of General Pinckney.

"If you think the idea of a University had better be reserved for the speech at the opening of the session, I am content to defer the communication of it until that period; but even in *that* case, I would pray you, as soon as convenient, to make a draught for the occasion, predi-

cated on the ideas with which you have been furnished; looking, at the same time, into what was said on this head in my *second* speech to the *first* Congress, merely with a view to see what was said on the subject at that time; and this, you will perceive, was not so much to the point as I want to express now, though it may, if proper, be glanced at, to show that the subject had caught my attention early.

"But to be candid, I much question whether a recommendation of this measure to the Legislature, will have a better effect *now* than *formérly*. It may show, indeed, my sense of its importance, and that is a sufficient inducement with *me* to bring the matter before the public, in some shape or another, at the closing scenes of my political exit. My object for proposing to insert it where I did, (if not improper,) was to get the people ruminating on the importance of the measure, as the most likely means of bringing it to pass.

"With much truth, I am your affectionate,

"GEO. WASHINGTON."

Hamilton had the preceding day written to Washington:—

"NEW YORK, September 5th, 1796.—SIR: I return the draught corrected agreeably to your intimations. You will observe a short paragraph added respecting *Education*. As to the establishment of a University, it is a point which, in connection with Military Schools, and some other things, I meant, agreeably to your desire, to suggest to you, as parts of your speech at the opening of the session. There will several things come there much better than in a general Address to the People, which likewise would swell the Address too much. Had I had *health* enough, it was my intention to have written it over; in which case I could both have improved and abridged. But this is not the case. I seem now to have regularly a period of ill-health every summer.

"I think it will be advisable simply to send the Address by your secretary to Dunlap. It will, of course, find its way into all the other papers. Some person on the spot ought to be charged with a careful examination of the impression by the proof-sheet.

"Very respectfully and affectionately, I have the honor to be, Sir, your very obed't serv't,

"A. HAMILTON.

"The President."

Three days later, on the eighth of September, the correspondence in relation to this address, was closed by a letter from Hamilton, acknowledging Washington's of the sixth:—

"New York, Sept. 8th, 1796.—Sir: I have received your letter of the 6th by the bearer. The draught was sent forward by the post on Tuesday.

"I shall prepare a paragraph with respect to the University, and some others for consideration, respecting other points which have occurred.

"With true respect and esteem, I have the honor to be, Sir, your very obedient servant,

"A. Hamilton.

"The President."

This returned draft, which, evidently from this letter, was Hamilton's previous "amended copy" revised and corrected, in its rough state, not "written over" by him or as much "improved and abridged" as "was" his intention, was copied by Washington in full with his own hand. He then made a few alterations. These alterations, a careful examination shows, "are, to nearly the whole extent of the change, a mere abridgment, by cancellation of certain paragraphs of Hamilton's exemplar, from which the autograph copy was made." * Excepting these cancellations, the change was only of a few words.

Of these cancellations, one is indicative of Washington's true modesty. It is stated by him, in a note on the margin of this autograph copy, as having been "*obliterated to avoid the imputation of affected modesty.*"

The inference is just, that this note refers to matter from another hand, not to his own composition, as the modesty which forbade the retaining the omitted passage would have precluded its having been written by himself.

* Inquiry by Horace Binney, p. 120.

This inference is confirmed by the fact, that this cancelled passage is taken from Madison's draft, expressing a regret for "involuntary errors," so modified by Hamilton as to express Washington's hoped knowledge, on his retreat, that those errors "have been the causes of no serious or lasting mischief to" his "country." To another of these cancellations, there is a marginal note, "*This paragraph may have the appearance of self-distrust or vanity.*" It is seen, though less full, to be the closing sentence of Hamilton's "original draft," which is but an abridgment of the terminating part of Washington's draft, as to which he gave an express option, to omit or not to omit it. Both these marginal notes, addressed to Hamilton's attention, doubtless, led to the modifications in the final paper. Of the other cancellations, about fourteen in number, eight are of passages in Hamilton's "original draft," the substance of some of them more briefly expressed, being interlined; the rest, obviously not from Washington's pen, it appears, are in Hamilton's revised and corrected draft, and are mostly verbal, either to correct errors in the copy, or to connect sentences broken by the omission of clauses; to insert a preferred word, or to omit a word that is unnecessary. In two instances, showing conclusively that it was done *after* Washington had made his autograph copy, slips are *wafered over* passages in Hamilton's draft, one of these slips containing the requested paragraph on "Education."

The Address, having been read by Washington to his Cabinet, was dated on the seventeenth of September, and having been signed by him, was published, as previously stated, on the nineteenth of that month.

NOTE.

More minuteness of statement as to this Valedictory paper is seen, than properly belongs to an historical work. It has been prompted by the very erroneous opinions entertained, until recently, as to the authorship of this address. The many errors of these opinions have lately been indicated and demonstrated in an essay from the pen of the Hon. Horace Binney, modestly entitled, "An Inquiry into the Formation of Washington's Farewell Address."

In this remarkable discussion, which may be justly termed a model of exact criticism, the distinguished writer has shown:

1. What the address from the pen of Washington is.

2. The process of the formation of both this and of Hamilton's draft, or "the sources of his draft."

3. The "full adoption" by Washington of Hamilton's draft revised by himself, incorporating Washington's sentiments and, in part, his language.

4. The "general relation to the Farewell Address of Washington's draft and Hamilton's draft."

5. "The disappearance of Hamilton's amended and revised draft."

6. "A comparison of Hamilton's draft with the Farewell Address."

7. A very able "analysis of Hamilton's draft."

8. "Washington's autograph copy," and the "autograph alterations" by him.

9. "The draft from which this autograph copy was made."

10. A complete refutation of an error of Jay, with proof, that neither Hamilton's own original draft, nor that draft, as amended by Hamilton—nor Washington's autograph copy of it, were *ever seen* by Jay—that he could only have seen Washington's draft and that draft with its supplementary matter, by Hamilton.

11. That "Hamilton's revision was the exemplar of Washington's autograph," and that certain "cancelled passages in this autograph copy are derived from Hamilton's original draft."

12. Disproof of "Jay's opinion that the address was personal;" and "Washington's preservation of all the papers until his death."

13. "Remarks upon the respective contributions of Washington and Hamilton," with a decisive confutation of all impressions involving the honor of either Washington or of Hamilton, and of other persons in relation to this public document.

This Inquiry has, in various quarters, received the warm commendations to which it is entitled, however viewed; either as an exhaustive and irrefutable argument by an eminent jurist, or as a production of elegant scholarship and pure taste. Every disputed question in relation to the "formation" of

this Address is conclusively and finally settled by it, (though in a mode different from that pursued in this work,) and in a manner and tone corresponding with the dignity of the subject and of the writer. Suggested, as it was, not only by the great interest of the matter discussed, and by a profound regard and respect both toward Washington and Hamilton, but also by motives of personal kindness to the author of this history, he permits himself again to acknowledge his obligations.

CHAPTER CXXXII.

JEFFERSON's pretensions to the Presidency began to be discussed in Virginia, some time previous to this publication, but that he would become a candidate was not divulged.

A subtle policy belonged to his nature. The most intimate relations did not preclude it. His avowals of disinclination to office were earnest and repeated. Thus, he rendered subservient to his own purposes those he intended to deceive. Thus, was cajoled the morbid ambition of Madison. He now felt the importance of preventing serious competition, and as soon as Washington's determination was announced, his views were disclosed.

Hitherto, much caution on this subject had been observed by the Democratic party from the disbelief of its leaders, that there existed in any bosom sufficient virtue to relinquish such exalted power and respect. Their difficultly-suppressed animosity to Washington now broke forth in all its fury. Identifying Hamilton with Washington, he was its first object. To stimulate the hostility of the Southern States, letters, purporting to be, over Hamilton's signature, to have been written by him in confidence, and showing his intention to solicit the suffrages of the nation, were forged in Virginia, brought thence, mailed in Philadelphia, and addressed to persons

in that State; where, except to the officers of the army of the Revolution, he was personally unknown. His gentle manners, his winning affability, his amenity, his spirit and his grace, were therefore lost upon a people by whom such qualities are appreciated.

They had only seen at a distance the extraordinary spectacle of a young American, the native of a little island-rock in the West Indies, unsupported by connections of blood or place, rising above all his competitors in the ascent to power; filling with honor and reflecting lustre on the most important department in the administration; thwarting the counsels of their most adroit and able politicians; enjoying the entire confidence of Washington, which those politicians had lost; and wielding an irresistible influence, by the vigor of his towering genius, his perseverance and inflexible determination, over every branch of the government and over the mind of the country. He was beheld, not only with his plastic hand moulding to his will its internal policy; and, in every emergency, showing resources equal to the crisis, but controlling public opinion as to its most favorite theories and preferences;—with a steady purpose, resisting all the intrigues of France—nor yet, with this nation in its infancy, hesitating again to brave the immense energies of England; and exhibiting throughout, in his neutral policy, as sublime a spectacle of moral power as the world has ever presented.

To the misguided people of that part of the Union, the "Farewell Address" was held up as odious, as insulting to their attachment to the only ally of the United States. "Why," it was asked, "is it there declared, 'unwise and unnecessary to extend' our political engagements? Have we not recently formed a treaty with Great Britain—a 'political connexion?' Can the Republic of France be

more disadvantageous to the United States than the MONARCHY of England?"*

A pamphlet was distributed, intended to prove, that that paper, under the guise of affected patriotism, was designed "to promote the interest of a certain candidate for the Executive." That Hamilton was "a prodigy" was admitted, but he was declared to be "a man formed by nature to shine in a subordinate sphere." In Jay, were "seen depicted the most glaring inconsistency and palpable hypocrisy"—"ambition and servility—pride and meanness." Of Adams, it was said, that his "intellects were in rapid decay"—that he was "frigid in council and slow in execution," an advocate of the British Constitution. The people were told "to reject his imperious pretensions, and to "adopt Jefferson, who, even in his philosophic seclusion, blushes as he receives the crowning honors of his countrymen."

In aid of his grasping ambition, the pen of Thomas Paine was put in requisition. A series of letters, written by Paine in Paris, while under the roof of Monroe, but which statement he contradicts, were now made public, denouncing Washington to America, "as treacherous in private friendship and a hypocrite in public life;"—as "an apostate or an impostor,"—"perfidious and unjust to France." Nor did the hostility stop here. Letters pur-

* Monroe to Madison, January 1, 1797: "It is to be regretted, that Mr. Washington's testament arrived before Mr. Pinckney, for it confirmed previous unfriendly impressions. Most of the monarchs of the earth practise ingratitude in their transactions with other powers. They all however hold a different doctrine, but Mr. Washington has the merit of transcending, not only the great men of the ancient republics, but the feeble monarchs of the present day, in preaching it as a public virtue. Where these men will plunge our affairs, God only knows, but such a collection of vain superficial blunderers, to say no worse of them, were never, I think, before placed at the head of any respectable State."

porting to have been written by Washington, forged in England during the war of the Revolution, presenting him, as weary of the war and as opposed to the Declaration of Independence, were now republished.

The Federalists in the mean time felt all the difficulties of their position. "Men of principal influence in the federal party, whose situation had led them to an intimate acquaintance with Adams, began to entertain serious doubts about his fitness for his station; yet his pretensions in several respects were so strong, that, after mature reflection, they thought it better to indulge their hopes, than listen to their fears."*

To this conclusion the desire of preserving harmony in the Federal party was a strong inducement. It was determined to support him for the Chief Magistracy: These doubts increased the importance of electing Thomas Pinckney as Vice President—"A gentleman distinguished in the South by the mildness and amiableness of his manners, the rectitude and purity of his morals, and the soundness and correctness of his understanding, accompanied by an habitual discretion and self-command."†

To carry this purpose into effect, Hamilton wrote the following letter:

"Our excellent President, as you have seen, has declined a re-election. 'Tis all important to our Country that his successor shall be a *safe* man. But it is far less important, who, of many men that may be named, shall be the person, than that it shall not be Jefferson. We have every thing to fear, if this man comes in; and from what I believe to be an accurate view of our political map, I conclude that he has too good a chance of success; and that good calculation, prudence and exertion were never more necessary to the Federal cause than at this very critical juncture. All personal and partial considerations

* Letter to John Adams by A. Hamilton.

† Ibid. Hamilton's Works, vii. 687.

must be discarded, and every thing must give way to the great object of excluding Jefferson.

"It appears to be a common opinion, (and I think it a judicious one,) that Mr. Adams and Mr. Pinckney (late minister in England) are to be supported on our side for President and Vice President. New York will be unanimous for *both*. I hope New England will be so too. Yet I have some apprehensions on this point, lest the fear that he may outrun Mr. Adams should withhold votes from Pinckney.

"Should this happen, it will be in my opinion a most unfortunate policy. It will be to take *one* only instead of *two* chances against Mr. Jefferson; and well weighed there can be no doubt, that the exclusion of Mr. Jefferson is far more important than any difference between Mr. Adams and Mr. Pinckney.

"At foot, is my calculation of chances as between Adams and Jefferson. 'Tis too precarious. Pinckney has the chance of some votes southward and westward which Adams has not. This will render our prospect in the main point, the exclusion of Jefferson, far better.

"Relying on the strength of your mind, I have not scrupled to let you see the state of mine. I never was more firm in an opinion than in the one I now express, yet in acting upon it there must be much caution and reserve."

This policy was generally adopted by the Federal party; but, as will appear, was not observed with fidelity.

Jefferson's predominance over the Democracy was now seen in all its movements. While, to prevent schism, it had been necessary to permit Burr to indulge hopes of advancement, it could be no part of his plans to promote the views of any competitor. Should he fail in obtaining the largest number of Electoral votes, the prospect of holding the second place in the Government was not without its attractions.

Small as were his chances of success, the unquiet ambition of Burr was unwilling to wait the contingencies of a future election. Well informed of the distrusts entertained of Adams, he cherished the hope, that he might be

placed on the electoral ticket with Pinckney; and, by the aid of a few erring votes of the Democratic States, thus vault into the Presidency. With this design a correspondence was opened by Dayton, his constant friend, with Sedgewick. The election of Adams was represented as impossible. The support of Burr was urged as the "only advisable expedient to exclude Jefferson." To repeated solicitations of this kind, a firm determination to adhere to the equal support of Adams and Pinckney was the only reply.

Meanwhile the political contest extended over the whole Republic, and was waged with the utmost warmth and industry. On the one hand, Adams was assailed as the advocate of monarchy and aristocracy, while, on the other, Jefferson's character and conduct, his ostentatious philanthropy; his false pretensions to science and philosophy, his affected humility and restless ambition, his avowed irreligion, his political inconsistency, his opposition to the Constitution, his treachery to Washington, his devotion to France, were all exposed with caustic severity.

Of these strictures, the most elaborate and able were those over the signature of "Phocion." The earlier of these, are a reprint with some abbreviations of the essays of "Catullus" written in seventeen hundred ninety-two. Those relating to the important events which occurred subsequent to that time, until Jefferson retired from the Cabinet, are particularly interesting from the familiar knowledge of him they evince.

The influence of France, it has been seen, had been a most powerful auxiliary to the Democratic party. This influence, which the exposure of Randolph, and the arrogance and intrigues of her envoys had slightly diminished, was largely increased by her recent successes. One by

one, in rapid succession, the independent States of Italy were overrun, and compelled to redeem a partial sovereignty by submission to exorbitant exactions. While Tuscany was on terms of amity with the French, Leghorn was taken possession of by a large body of their troops, the remonstrances of its King being wholly disregarded.

The port of Genoa was closed. From Modena more than seven millions of livres were extorted. The Pope preserved only the appearance of supremacy over his dominions by a contribution exceeding thrice that amount.

Nor were merely their exchequers plundered. To swell the triumphs of her soldiers and inflame the vanity of France, their public edifices were despoiled, and the cities of Italy imploringly deprecated, in vain, the loss of the rich remains of their former genius and opulence. Their drooping recollections could be no longer raised or soothed by contemplating those unrivalled works of art, sublime memorials of the past.

The compacts formed with Prussia and with Spain had resulted in a close but delusive alliance. The long nurtured jealousy of the former was to be gratified by the depression of Austria, and, in the treaties signed by Suabia and Wurtemberg, Prussia only saw the approaching dissolution of the Germanic empire, and the humiliation of a rival, not admonished of her own approaching doom. Portugal was to be subjugated, and the avarice of Spain glutted by an undivided sway of the southern Peninsula of Europe. In return, her vassal monarch now declared war against England.

The crimes which darkened the atmosphere of France, her domiciliary visits, her proscriptions, her assassinations, her collective murders, the new position in which she now stood, as the ally of two of the most arbitrary des-

potisms of Europe; the new principle she now avowed, of her right permanently to appropriate her conquests; her insolent dictation to Holland of the terms of intercourse with the world, destructive of her commerce and her industry; all these produced no pause, no abatement in the fervid attachment of the Democratic party in the United States. From the then feeble counsels of England, they prejudged her overthrow; hailed the projected invasion of that country, as the harvest of their highest hopes; and, at each new intelligence of victory after victory, the lauding cannon resounded, and the bells of the seaport towns rang gratulations.

The same presses which exulted in these events broke forth in renewed calumnies upon Washington and Hamilton. "If ever," it was declared in a Virginia Gazette, "if ever a nation has been debauched by a man, the American nation has been debauched by Washington." "He concealed, under the mask of patriotism, the foulest designs against the liberties of the people." "Hamilton," it said, "you have not triumphed yet; long have you endeavored to improve the Constitution, and mould it to your standard. Yes—'Camillus'—a national debt, a funding system, stock-jobbing and speculation have been the cards with which you have played your political game.—Wonderful indeed has been your success, but you have not triumphed yet."

These denunciations of the great defenders of the independence and honor of the United States usually preceded, or were concomitant with, some bold attack by the agents of France.

What form it would now assume could only be conjectured. Hamilton thought it important to call the attention of the people to the approaching "very delicate state of things," and published a brief review of the con-

duct of that government during and subsequent to the Revolution, in order to meet her oft repeated and exaggerated demands on the gratitude of this country.

"To suppose that in the aid she furnished her, she was actuated by any other than motives of policy," he said, "was to be ignorant of the springs of action which invariably regulate the cabinets of princes." "He must be a fool who can be credulous enough to believe that a despotic court aided a popular revolution from regard to liberty, or friendship to the principles of such a revolution. But nevertheless, it was our duty to be faithful to the engagement we have contracted with her, and it even became us, without scanning too rigidly those motives, to yield ourselves to the impulses of kind and cordial sentiments towards a power by which we were so much succored in so perilous a crisis."

He next indicated her policy at the close of the Revolution as being prompted by the desire of leaving us in a state of half peace—half hostility with Great Britain—and recapitulated her efforts to prevent the adoption of the Constitution. An exposure of the conduct of Genet preceded that of Fauchet—"a meteor following a comet" whose encouragement of the Democratic clubs, after they had been denounced by the President, and privity to the Western insurrection, are briefly adverted to: "Another revolution of party," he said, "placed Adet in the room of Fauchet, who had been more circumspect than either of his predecessors, and we ought scarcely to impute it to him as matter of reproach, that he openly seconded the opposition in Congress to the treaty concluded with Great Britain.—'Twas a measure to call forth the manœuvres of diplomatic tactics." But that treaty is concluded. "To pretend that it interferes with our engagements with France is a ridiculous absurdity, for it expressly excepts

them. To say that it establishes a course of things hurtful to her in her present struggle is belied by the very course of things since the treaty. All goes on exactly as it did before." "Those who can justify displeasure in France on this account are not Americans but Frenchmen. They are not fit to be members of an independent nation, but prepared for the abject state of colonists. If our government could not without the permission of France terminate its controversies with another foreign power, and settle with it a treaty of commerce to endure three or four years, our boasted independence is a name! We have only transferred our allegiance! We are slaves!" *

The anticipations that prompted this appeal were soon verified. The decree of July, the existence of which had been for a long time denied to Monroe, was avowed, and enforced.

Washington having declined a re-election, the field was open, and Jefferson's success was doubtful. The issue, it was supposed, would depend on the vote of Pennsylvania. Eight days before the election in that State, when a Spanish force was cruising in the Gulf of Mexico, and a large French fleet was hovering on the coast of Nova Scotia,—hanging on both flanks of the Union, the existence of this decree was announced by Adet, in these terms: "The flag of the Republic will treat the flag of neutrals in the same manner as they shall suffer it to be treated by the English." "France bound by treaty to the United States, could only find a real disadvantage in the articles of that treaty, which caused to be respected, as American property, English property found on board American vessels."

* "France," Hamilton's Works, vii. 594.

This declaration, evincing the determination of France to annul the treaty, was contained in a note addressed to the Secretary of State bearing date, the twenty-seventh of October. The tone of this note was highly offensive. To aggravate the offence, he announced that he would cause it "to be printed, in order to make publicly known the motives, which at the present juncture influence the French Republic." . . . .

It was written during the absence of the President from the seat of Government; and, lest the Administration should withhold it until an explanation had been obtained from France, and thus prevent this appeal to the people; Adet caused it to be published immediately, and copies to be distributed at all the places of election, to which numbers of the Democrats marched under the French flag to cast their votes. This was followed by a notice issued in virtue of a decree of the Directory to the French citizens in the United States, requiring them, under pain of forfeiting "the use of the French chanceries" —the national protection—"constantly to wear the tricolored cockade." Thus, under the republic of France, the rights of citizenship were prescribed by an Executive edict. The requisition was obeyed with alacrity. The example was contagious. This foreign badge was sought for, and ostentatiously worn by American citizens!

The President now reached Philadelphia. Immediately after his arrival, on the second of November, he wrote to Hamilton, stating that this offensive letter had just presented itself to his view, and inquired whether, "should there be any difference in his reception and treatment of that minister in his visits at the public rooms, and what difference should be made, if any," and whether the reply to his note ought to be published immediately or not. The former course was suggested by the consid-

erations, "that the antidote should keep pace with the poison, and lest it should be said, that it was not done because the charges were just." But he regarded it as a serious question, "whether the dignity of the Government might not be committed in a newspaper dispute with the minister of a foreign nation and an apparent appeal to the people;" and whether it would not be said also, that "we can bear *every thing* from one of the belligerents, but nothing from another of them." He also consulted him as to the propriety of bringing the French affairs fully before Congress at the approaching session; and requested him, in the preparation of the Speech, to embody a recommendation of measures for the encouragement of agriculture. On the following day, he informed him, that, in conformity with the opinions of his Cabinet, he had resolved on an immediate publication of the answer to Adet.

Hamilton, after, at the President's request, conferring with Jay, gave the opinion, that the communication of Adet ought not to pass unnoticed, and would most probably be noticed by the President; that, in the first instance, the manner of noticing it ought to be negative;—that is, by the personal conduct of the President, receiving him at the levees with a *dignified reserve*, holding an *exact medium* between an *offensive coldness* and *cordiality*. "The point," he wrote, "is a nice one to be hit, but no one will know better how to do it than the President. Self-respect and the necessity of discouraging further insult, requires that *sensibility* should be manifested; on the other hand, the importance of not widening a breach, which may end in rupture, demands great *measure* and *caution* in the mode."

He dissuaded an immediate publication of the reply which might be given; "for this," he said, "would be

like joining in an *appeal* to the public, would countenance and imitate the irregularity, and would not be dignified, nor is it necessary for any present purpose of the Government."

Mr. Jay inclined to think, that the reply ought to go through Mr. Pinckney to the Directory, with only a short note to Adet acknowledging the reception of his paper, and informing him that this mode will be taken.

"I am not yet satisfied that this course will be the best. We are both to consider further and confer. You will shortly be informed of the result. But whatever be the mode adopted, it is certain, that the reply will be one of the most delicate papers that has proceeded from our Government; in which it will require much care and nicety to steer between *sufficient* and too *much justification*, between self-respect and the provocation of further insult or injury, and that will at the same time save a great political interest which this step of the French government opens to us. We must, if possible, avoid rupture with France, who, if not effectually checked in the insolence of power, may become not less troublesome to us than to the rest of the world.

"I dedicate *Sunday* to the execution of your commands in preparing certain heads."

On receiving a copy of the reply to Adet, Hamilton again wrote to Washington, on the fifth of November:

"I have since seen the answer to Adet. I perceive in it nothing intrinsically exceptionable; but something in the manner a little epigrammatical and *sharp*.

"I make the remark freely, because the card now to be played is perhaps the most delicate that has occurred in your Administration; and nations, like individuals, sometimes get into squabbles from the manner more than the matter of what passes between them. It is all important to us, first, if possible, *to avoid rupture with France*;—secondly, if that cannot be, to evince to the people that there has been an unequivocal disposition to avoid it. Our discussions therefore ought to be *calm* and smooth, inclined to the argumentative; when remonstrance and complaint are unavoidable, carrying upon the face of them *reluctance* and *regret*—mingling a steady assertion of our

rights and adherence to principle with the language of moderation, and, as long as it can be done, of friendship."

On the tenth of November, he again wrote:

"I have been employed in making and have actually completed a rough draft on the following heads: '*National University; Military Academy; Board of Agriculture;* establishment of such manufactures on *public account* as are relative to the equipment of army and navy *to the extent of the public demand for supply*, and excluding all the branches already well established in the country; the *gradual* and *successive* creation of a Navy; compensations to public officers; *reinforcement* of provisions for public debt.' I send you this enumeration, that you may see the objects which I shall prepare for. But I must beg your patience till the beginning of the next week for the transmission of the draft as I am a good deal pressed for time."

The reply to Adet by the Secretary of State was founded on the express stipulation of the treaty with France, "that free ships should make free goods;" and denied, that the United States had by any act forfeited an exemption from capture—evinced surprise at the doctrine, that because France thought she sustained "*a real disadvantage*" in the articles of that treaty, she ceased to be "bound by it;" and, having stated the concealment and disavowal of this decree after its enactment, demanded an explicit declaration whether orders had been given by France for the capture of vessels of the United States. Adet had complained that a former note of the twenty-ninth of September had not been answered. The Secretary of State observed, that "for the sake of preserving harmony, *silence* was preferred to a comment upon its insinuations."

To a complaint that the United States had not made known the steps taken to obtain satisfaction for the impresses of their seamen by England, he answered, that

"so long as there was not the slightest ground to suspect they had acquiesced in any aggression, it was a matter which concerned only their own government."

Referring to this document Hamilton wrote to the President, the day after the date of his preceding letter:*

"My anxiety for such a course of things as will most promise a continuance of peace to the Country, and, in the contrary event, a full justification of the President, has kept my mind dwelling on the late reply to Mr. Adet, and though it is a thing that cannot be undone, yet, if my ideas are right, the communication of them may not be wholly useless for the future. The more I have considered that paper the less I like it.

"I think it is to be regretted that answers were not given to the preceding communications of Mr. Adet, for silence commonly carries with it the appearance of *hauteur* and *contempt*. And even if the paper to be answered, is offensive, 'tis better and less hazardous to harmony to say so with calmness and moderation, than to say nothing. Silence is only then to be adopted, when things have come to such a state with a minister, that it is the intention to break with him. And even in this case, if there is still a disposition to maintain harmony with his government, a reply ought to go through our own organ to it, so as to distinguish between the minister and the government.

"The reason given for not having answered the inquiry respecting the impressment of our seamen is too broad. When two nations have relations to each other, and one is at war, the other at peace; if the one at peace suffers liberties to be taken with it by the enemy of the one at war, which turns to the detriment of the latter, it is a fair subject of inquiry and discussion. The questions may be asked, how does this happen? what measures are taken to prevent a repetition or continuance? There is always possibility of *connivance*, and this possibility gives a right to inquire, and imposes an obligation to enter into friendly explanation. 'Tis not a matter of indifference to our friend, what conduct of its enemy we permit towards ourselves.

"Much, indeed, in all these cases depends on the manner of the inquiry. But I am satisfied the principle is as I state it, and the ground assumed by Mr. Pickering in the latitude of the expression untenable.

* Nov. 11, 1796.

"These opinions are not confined to me. Though most people like the air of what is called spirit in Mr. Pickering's letters, yet some of the best friends of the cause, whisper cautiously remarks similar to the above.

"It is a question, now, well worth considering, whether if a handsome opportunity of rectifying should not occur with Mr. Adet, it may not be expedient specially to instruct Mr. Pinckney to make the explanations; putting our backwardness here to the score of the manner of the inquiry and qualifying the generality of our principle; without giving up our right of judging of the measure of our compliance in similar cases. I know you will so well appreciate the motives to these observations that I incur no risk in being thought officious; and I therefore freely transmit them, being always with true respect and attachment, Sir, your very obedient servant."

The President replied, and after adverting to the communications received from two members of his cabinet in relation to his speech, mentioned his reluctance to allude to his retirement, lest it might be supposed to be introduced for the purpose of a complimentary notice. He then expressed his wish, that the commencement of a Navy should be recommended, which purpose, it has been seen, Hamilton had anticipated—and finally requested his opinion, "on the propriety of giving to Congress a full statement relative to the situation of our affairs with France."

CHAPTER CXXXIII.

ADET had apprised the Secretary of State of his intention to answer his last letter. This answer was dated on the fifteenth of November. In order that his partisans might have the immediate advantage of it, and to prepossess the public mind, an abstract of this reply was published in the "Aurora." The Government directed it to be printed at large.

This extraordinary document commenced by announcing "the resolution of a Government terrible to its enemies, but generous to its allies"—and then recapitulated all the topics of complaint since the beginning of the war between France and England.

That in disregard of the seventeenth article of the treaty with France, our tribunals had taken cognizance of the validity of prizes to French privateers. That a letter containing rules for preventing all armaments in favor of any of the belligerent powers had been written by the Secretary of the Treasury to the collectors under which prosecutions had been instituted. That, at the instance of the President, a law had been passed confirming the measures contained in the previous instructions of the Treasury, in virtue of which her privateers had been arrested. That the reclamations of her ministers had been

disregarded. That the treaty had also been violated by the admission of English vessels in the American ports, which had made prizes of those of France; and by the admission of their prizes.

The United States were charged with having deceived France as to the mission of Jay; "a negotiation enveloped from its origin, in the shadow of mystery, and covered with the veil of dissimulation." The treaty was denounced as a violation of that with France, and as equivalent to a treaty of alliance with Great Britain. "Justly offended at their conduct in this case," he announced, that he had been ordered to suspend his ministerial functions with the Federal government, to be reassumed "whenever the Government of the United States returns to sentiments and to measures more conformable to the interest of the alliance," that, as the second article of the treaty with France stipulates that particular favors granted to any nation shall become common to the other party; and as the United States had sacrificed to England the freedom of her flag, France was justified in capturing British property in American bottoms, and in exercising the law of contraband as defined in the British treaty.

"Neither hatred nor the desire of vengeance," he observed, "rapidly succeed to friendship in the heart of Frenchmen. The name of America still excites sweet emotions in it, notwithstanding the wrongs of its GOVERNMENT; and the Executive Directory wish not to break with a PEOPLE whom they love to salute with the appellation of friend." They are therefore not to regard the suspension of his functions as a rupture between France and the United States, but as a mark of just discontent, which is to last until the Government of the United States returns to sentiments and measures more conformable to

the interests of the alliance, and "the sworn friendship between the two nations."

As evidence of these wrongs of the Government, "the *insidious* Proclamation of Neutrality" was mentioned, with the queries propounded to the Cabinet in seventeen hundred ninety-two as to the duration of the treaty, and as to the reception of a minister. It was charged with having "prostituted its neutrality;" "eluded all advances" for a more favorable treaty; and thrown aside the duty of gratitude.

These remarks closed this paper: "While every thing around the inhabitants of this country animates them to speak of the tyranny of Great Britain, and of the generosity of Frenchmen—when England has declared a war of death to that nation, to avenge herself for its having cemented with its blood the independence of the United States—it was at that moment their Government made a treaty of amity with their ancient tyrant, the implacable enemy of their ancient ally. O, Americans covered with noble stars. O, you who have so often flown to death and to victory with French soldiers! You, who know those generous sentiments which distinguish the true warrior! whose hearts have always vibrated with those of your companions in arms! Consult them to-day to know what they experience; recollect at the same time, that, if magnanimous souls with liveliness resent an affront, they know also how to forget one. Let your government return to itself, and you will still find in Frenchmen faithful friends and generous allies."

This puerile appeal did not produce the desired effect. Its invectives, its attempt to separate the people from their Government, its intrusion of foreign influence into the bosom of the Republic; its audacious indication of Jefferson, as the person by whose election

the government would return to itself, stimulated the Federalists to more energetic exertions.

Immediately after receiving through Wolcott, who consulted him as to the policy to be pursued, an abstract of this paper, Hamilton again wrote to the President on the nineteenth of November:

"I have looked over the papers and suggested alterations and corrections; and have also numbered the paragraphs in the order in which it appears to me eligible they should be stated in the speech.

"I thought, upon full reflection, you could not avoid an allusion to your retreat in order to express your sense of the support of Congress, but that the simplest manner of doing it was to be preferred. A paragraph is ordered accordingly. I believe the commencement of a navy ought to be contemplated. Our fiscal concerns, if Congress please, can easily be rendered efficient. If not, 'tis their fault, and ought not to prevent any suggestion which the interests of the country may require. The paragraph in your letter respecting our Mediterranean commerce may well be incorporated in this part of the communication.

"You will observe a paragraph, I have framed, contemplates a full future communication of our situation with France. At present it seems to me that this will best be effected in the following mode. Let a full reply to Mr. Adet's last communication be made, containing a particular review of our conduct and motives from the commencement of the Revolution. Let this be sent to Mr. Pinckney to be imparted to the Directory, and let a copy of it with a short auxiliary statement of facts, if necessary, be sent to the House of Representatives. As Mr. Adet has suspended his functions, I presume no reply can be made to him, but not having seen his paper I cannot judge.

"The crisis is immensely important to the glory of the President, and to the honor and interest of the country. It is all-important, that the reply to whomsoever made should be managed with the utmost possible prudence and skill; so that it may be a solid justification; an inoffensive remonstrance; the expression of a dignified seriousness—reluctant to quarrel, but resolved not to be humbled. The subject excites the greatest anxiety."

Three days after, he wrote fully to the Secretary of he Treasury:

"I thank you for your note sending me Adet's letter. The present is, in my opinion, as critical a situation as our government has been in; requiring all its prudence, all its wisdom, all its moderation, all its firmness.

"Though the thing is now passed, I do not think it useless to say to you, that I was not well pleased with the Secretary of State's answer to Adet's note communicating the order respecting neutral vessels. There was something of hardness, and epigrammatic sharpness in it. Neither did I think the position true, that France had no right to inquire respecting the affair of seamen. I am of opinion, that whenever a neutral power suffers liberties to be taken with it, by a belligerent one, which turns to the detriment of the other belligerent party, *as the acquiring strength by impressing our seamen*, there is a good ground of inquiry, demanding candid explanation.

"My opinion is, that our communications should be *calm, reasoning* and serious, showing steady resolution more than feeling, having force in the idea rather than in the expression. I am very anxious that our Government should do right on the present occasion.

"My ideas are these: As Adet has declared his functions suspended, the reply ought not to be to him, but, through Mr. Pinckney, to the Directory.

"It ought to contain a review of our conduct from the beginning; noticing our first and full acknowledgment of the Republic, and the danger we run by it. Also the dangers we incurred by other large interpretations of the treaty, in favor of France, adverting to the sale of prizes. It should meet all the suggestions of the minister, correct his misstatements of facts, and meet, argumentatively, his principles. Where arguments, already used, are repeated, it ought to be in a new language, or by quotations in the body of the reply; not by reference to other communications annexed, or otherwise, which embarrass the reading and attention.

"It should review, calmly, the conduct of France and her agents; pointing out, fully and clearly, the violations of our rights, and the spirit which was manifested; but in terms the most cautious and inoffensive. It should advert to the policy of moderation towards the enemies of France, which our situation and that of France, especially as to maritime power, imposed upon us. It should briefly recapitulate the means of obtaining redress from Great Britain, employed by our Government, and the effects they have produced. It should explain, why

the Government could not safely adopt more *expeditious* modes, why the Executive could not control the Judiciary, and should show, that, in effect, the opposite party, as well as France, suffered the inconveniences of delay. It should make prominent the consequences upon the peace and friendship of Governments, if all accidental infractions from situation, from the negligences, &c., of particular officers, are to be imputed, with severity, to the Government itself; and should apply the remark to the case of the injuries we have suffered, in different ways, from the officers and agents of France.

"It should make prominent two ideas:—The situation in which we were with Great Britain, prior to the last treaty, so as to show, that, by the *laws* of nations, as *admitted* to us, and *declared* to France and the world, prior to that treaty, all the things complained of, as resulting from that treaty, previously existed. And it should dwell on the exception, in that treaty, of prior treaties. It should point out strongly, the idea that the inconvenience at particular junctures of particular stipulations, is no reason for one party superseding them: but should intimate, that the President is willing to review the *relations* between the two countries; and by a new treaty, if the same shall be approved by the Senate, to readjust the terms of those *relations*.

"The article in the treaty with France, respecting an admission of the same privileges which are granted to other powers, should be examined. This plainly means where there is any *concession* of a positive privilege, which the United States were free to refuse; not where there is a mere recognition of the principles of the laws of nations.

"It should be made prominent, that the United States have always wished, and still wish, to cultivate the most amicable relations; and are still disposed to evince this disposition, by every method in their power; that in what they have said, they mean only to show, that they have acted with sincerity and good faith; and have rather received than *given cause to complain; that they have been disposed to* make a candid construction of circumstances which might seem inconsistent with a friendly conduct in France; and claim a similar candor in the estimate of their situation and conduct.

"There should be an animadversion upon the unfitness of looking beyond the Government to the citizens. And there should be these ideas properly couched: that the United States cannot admit, that a just cause of resentment has been given; that they appeal from the misapprehension which dictated this sentiment, to the justice and mag-

nanimity of France, for a retraction of it, and for meeting them freely in the complete restoration of a friendly intercourse; that France will not deliberately expect that they could make a sacrifice of self-respect, since she must be sensible, that a free people ought, in every event, to cherish it as a sacred duty, and to encounter, with firmness, every danger and calamity which an attempt to make them forget it, or degrade them from their independent character may involve.

"This would be the general complexion of the reply which I would give. The manner should be extremely cautious, smooth, even friendly, but yet, solemn and dignified.

"P. S.—The alliance in its future operation, must be against our interest. The door to escape from it is opened. Though we ought to maintain with good faith our engagements, if the conduct of the other party releases us, we should not refuse the release, so far as we may accept without compromitting our peace. This idea is very important."

The fourth Congress of the United States opened its second Session on the fifth of December; and on the seventh, the President delivered his last speech, the original draft of which, in the autograph of Hamilton, is preserved.

After congratulations, on the internal situation of the Country, and the system which had been adopted to protect the Indians, to draw them nearer to a civilized State, and inspire them with correct conceptions of the power as well as justice of the Government, it stated the extent to which the treaties with England had been executed; that the great frontier posts had been surrendered; that the Commission relative to captures and condemnations had been filled; and, in order to *adjust* the Eastern boundary, that surveys had been commenced; that a commissioner appointed by the United States to define the territorial limits between these States and the Floridas had proceeded to execute his duty, and that troops had been sent forward to occupy the posts from which the Spanish garrisons should be withdrawn; but, though a Spanish com-

missioner had been appointed for this purpose, that he had not arrived; that no appointment had been made on her part to adjust the claims for captures by the armed vessels of Spain; that the act of Congress to protect American seamen had been carried into effect; and that the most favorable prospects existed of a successful issue to the negotiations with Algiers;—that treaties also were about to be effected with Tunis and Tripoli.

After these statements, several objects were suggested for the deliberations of the National Legislature:

"To an active external commerce," it was observed, "the protection of a Naval force is indispensable. This is manifest with regard to wars in which a State is itself a party. But besides this, it is in our own experience that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to a neutral flag, requires a Naval force, organized and ready to vindicate it from insult or aggression. This may even prevent the necessity of going to war, by discouraging belligerent powers from committing such violations of the rights of the neutral party, as may first or last, leave no other option. From the best information I have been able to obtain, it would seem as if our trade in the Mediterranean, without a protecting force, will always be insecure, and our citizens exposed to the calamities from which numbers of them have but just been relieved.

"These considerations invite the United States to look to the means, and to set about the gradual creation of a Navy. The increasing progress of their navigation promises them, at no distant period, the requisite supply of seamen: and their means in other respects, favor the undertaking.

"It is an encouragement, likewise, that their particular situation will give weight and influence to a moderate Naval force in their hands. Will it not then be advisable to begin, without delay, to provide and lay up the materials for the building and equipping of ships of war, and to proceed in the work, by degrees, in proportion as our resources shall render it practicable without inconvenience; so that a future war in Europe may not find our commerce in the same unprotected state in which it was found by the present?"

The encouragement of manufactures was next adverted to.

"Admitting as a general rule that manufactures on public account are inexpedient," yet it urged the importance of establishments for procuring on public account, "to *the extent of the ordinary demand for the public service*," all such articles as are of a nature essential to the furnishing and equipping the public force in time of war; "these the United States being unable to supply. But that all such as were or would probably soon be established ought to be excluded from the plan, to prevent interference with pursuits of individual industry."

The importance of Boards "to encourage and assist Agricultural Improvements" was also mentioned, and the attention of Congress, "too enlightened not to be fully sensible how much a flourishing state of the arts and sciences contributes to national prosperity and reputation," was again called to the expediency "of establishing a National university, and a Military academy."

"The former would most thrive, if sustained by the resources of the whole nation, and would give to the people of this Country a homogeneous character, tending as much as any other circumstance to the permanency of their Union. A primary object of such a National institution should be the education of our youth in the science of *government*. In a republic, what species of knowledge can be equally important, and what duty more pressing on its Legislature than to patronize a plan for communicating it to those who are to be the future guardians of the liberties of the Country."

The latter was of great moment to the security of a nation; "the art of war being at once comprehensive and complicated, demanding much previous study." "However pacific the policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies."

To be ready for such emergencies and to facilitate the diffusion of military knowledge, as those emergencies

might require, were the important advantages of a Military academy.

Having mentioned the propriety of adequate compensations to the officers of the United States, the speech alluded to the recent communication from the minister of France, and to the extensive injuries suffered in the West Indies from the cruisers and agents of the French Republic, in the following well-considered terms:

"It has been my constant, sincere and earnest wish in conformity with that of our nation, to maintain cordial harmony and a perfectly friendly understanding with that Republic. This wish remains unabated; and I shall persevere in the endeavor to fulfil it, to the utmost extent of what shall be consistent with a just and indispensable regard to the rights and honor of our country; nor will I easily cease to cherish the expectation, that a spirit of justice, candor and friendship on the part of the Republic will eventually secure success. In pursuing this course, however, I cannot forget what is due to the character of our Government and nation, or to a full and entire confidence in the good sense, patriotism, self-respect, and fortitude of my countrymen."

After avowing his solicitude for a reinforcement of the existing provisions for a speedy extinguishment of the National debt, and for an efficient establishment of the Militia—the Speech closed with this simple allusion to the President's retreat from public life:

"The situation in which I now stand for the last time, in the midst of the representatives of the people of the United States, naturally recalls the period when the Administration of the present form of government commenced; and I cannot omit the occasion to congratulate you and my country, on the success of the experiment; nor to repeat my fervent supplications to the SUPREME RULER of the UNIVERSE and SOVEREIGN ARBITER of NATIONS, that his providential care may still be extended to the United States; that the virtue and happiness of the people may be preserved; and that the Government which they have instituted for the protection of their liberties may be perpetual."

The address of the Senate paid a just and warm tribute to the Chief Magistrate; and in reference to the French Republic, having expressed their entire approbation of the policy of the Administration, remarked, "We are not unmindful of the situation in which events may place us, nor unprepared to adopt that system of conduct, which compatible with the dignity of a respectable nation, necessity may compel us to pursue."

In the House, the Speech was referred to a committee of which were Ames and Madison. To avoid collision, the committee agreed to report an answer, which, in general terms, promised a consideration of the different topics of the Speech, but fully expressed attachment to the President, and an approval of his administration.

As had heretofore been the practice, a motion was made immediately to consider the Answer; but it was opposed by Giles, Nicholas, Parker, and was defeated, all being members from Virginia. After two days had elapsed, the Answer was discussed. Giles proposed to amend the paragraph which related to France, so as to express an unequivocal wish for the preservation of peace; and the reliance of the House on the mutual justice and moderation of the two nations.

The approving language in which the course of the President was mentioned, was also objected to by him. He conceived it unnatural and unbecoming to exult at our prosperity, by putting it pointedly in comparison with the calamities of Europe. He denied the wisdom and firmness of his Administration, and asserted, that a want of wisdom and firmness had conducted the nation to a crisis which threatened greater calamities than any previous. He did not regret the President's retiring from office. He hoped he would retire, and enjoy the happiness that awaited him in retirement. He believed that it

would more conduce to his happiness than if he remained in office. He believed that the remaining of no man in office was necessary to the success of the Government. Though the voice of all America should declare the President's retiring as a calamity, he could not join in the declaration, because he did not conceive it a misfortune." "*The man might go to Virginia.*"

The Answer was defended by Ames, Harper, Sitgreaves, and Smith of South Carolina.

They contrasted their present situation with that of seventeen hundred eighty-nine, recapitulated the dangers which had been avoided by the prudence, and the benefits which had resulted from the firmness of the Administration. At the end of a glowing Address, Ames remarked, "the highest terms of respect which could be used, they owed to the President of the United States. It was not present impressions of his conduct, but the whole of his life which stamped his character. His country, the admiring world, and faithful history were now the keepers of his fame, and would keep it inviolate. We might refuse our suffrages and strictly separate ourselves from the general sentiment of mankind. We may be singular. He will be illustrious."

A wide debate ensued, embracing the whole foreign policy of the Administration. By the opposition, the lowering prospect with France was attributed to the partiality for Britain which had resulted in the recent treaty. The danger of a war with that powerful Republic was pronounced great and imminent.

The Federalists defended the neutral policy which had prevailed; called for evidence of any partiality to England—denied the probability of a war; and asserted, if there was, that it was to be ascribed to the intrigues of Americans at Paris, who had represented that there was

a division of sentiment between the Government and the people; and that the French had only to speak the word and the Government would fall like other despotisms, which they affected everywhere to overturn. A motion to strike out a paragraph encomiastic of the President was defeated, though supported by twenty-four votes; of these eight were from Virginia—Gallatin, who was among this number, observed, that at first he had hesitated as to the terms of this Answer, but he found on further examination, that they did not go as far as he had supposed. "Had they approved of every measure of the President, he should have voted against them; but, in the first place, he would observe, that as his Administration did not include legislative acts, so that whatever evils had arisen from the funding or banking systems were not to be charged to the President."

The answer being slightly amended, a call for the yeas and nays was made by Blount, who avowed his desire to record his name in opposition to it. The final vote on this call showed a minority of twelve members, of whom were Giles, Livingston, Macon and Jackson.

CHAPTER CXXXIV.

The President had announced in his Speech, his intention to make a particular communication as to the relations with France. The country now looked with intense interest to the action of the Government.

The extreme importance which Hamilton attached to the course that should be taken, has been indicated in his correspondence with the President and with the Secretary of the Treasury. It is also seen in a letter of the sixteenth of December to the American minister at London;

"Public opinion, taking the country at large, has continued, since you left us, to travel on in a right direction, and, I trust, will not easily deviate from it. You will have seen, before this reaches you, Mr. Adet's communications. We conjecture, as to the timing of them, that they were intended to influence the election of President by the apprehension of war with France. We suppose also, they are designed, in the same way, to give support to the partisans of France; and that they have for eventual object, the placing things in just such a state as will leave France at liberty to slide easily either into a renewal of cordiality, or an actual or virtual war with the United States. If the war of Europe continues, the efforts of France will be likely to be levelled, as a primary object, against the commerce and credit of Great Britain; and to injure these, she may think it advisable, to make war upon our trade; forgetting perhaps, that the consequence may be, to turn it more entirely into the channels of Great Britain. These reflections will be obvious to you. I only make them, to apprise you of the view which is taken of the subject here. Thus far, appearances do

not indicate that the purpose of influencing the country has been obtained. I think, in the main, the effect has been to impress the necessity of adhering more firmly to the Government.

"You need not be told, that every exertion, not degrading to us, will be made to preserve peace with France. Many of the opposite party, however they may be pleased with appearances of ill humor in France, will not wish it to go to the length of war. And we shall endeavor to avoid it, in pursuance of our general plan of preserving peace with all the world. Yet you may depend, that we shall not submit to be dictated to, or be forced into a departure from our plan of neutrality, unless to repel an attack upon us.

"Our anxiety has been extreme on the subject of the election for President. If we may trust our information, which we have every reason to trust, it is now decided, that neither Jefferson, nor Burr, can be President. It must be either Adams or Pinckney, the first, most probably. By the throwing away of votes in New England lest Pinckney should outrun Adams, it is not unlikely that Jefferson will be Vice President. The event will not a little mortify Burr. Virginia has given him only one vote.

"It was expected of course, that the Senate's answer to the President would be flattering to him; but the speech in the House of Representatives has been better than was expected. An Address, which I have not seen, but stated by our friends to be a very good one, has passed the House, with only twelve dissenting, consisting of the most fiery spirits. The Address is not only generally complimentary to the President, but includes, it is said, an *explicit approbation of his Administration*, which caused the division. Edward Livingston is in the minority.

"After giving you these consolatory accounts, I am now to dash the cup a little, by telling you that Livingston is in all probability re-elected in this city. The principal cause has been an unacceptable candidate on our part, James Watson. There were four gentlemen, who would certainly have succeeded, but none of them would accept. In Watson we could not unite opinions. He was more disagreeable than I had supposed to a large body of our friends; and yet, after the declining of the persons alluded to, we could not do otherwise than support him. For he had gotten a strong hold upon most of the leading mechanics who act with us.

"But in the State at large we shall better our representation, and

I hope for a majority in the House of Representatives. As an omen of this, there are several new members in Congress from different States, who hitherto vote with our friends.

"The favorable change in the conduct of Great Britain towards us, strengthens the hands of the friends of order and peace. It is much to be desired, that a treatment in all respects unexceptionable from that quarter, should obviate all pretext to inflame the public mind.

We are laboring hard to establish in this Country principles more and more *national*, and free from all foreign ingredients, so that we may be neither 'Greeks nor Trojans,' but truly Americans."

Resolved to endeavor to give a proper direction to the public mind, Hamilton, the day after Congress assembled, published, over the signature of "Americanus," which, on a former similar occasion had excited great interest, a comment upon Adet's note. It was entitled "THE ANSWER."

The argument of it was new to the country, and was urged with great force. Having exposed the flagrant attempt to influence the election by menaces, in obedience to the orders of the Directory, that the nation should be addressed, "in the tone of reproach, instead of the language of friendship," he proceeded to compare the decisions of the American government on the several points complained of by Adet with the laws of France on the same points.

From this examination, it resulted, that in every case, the French had either by their laws, their doctrines, or their practice sanctioned the proceedings of the United States. As to the complaint against the British treaty and its consequences, that it deprived France of all the advantages of the treaty with her by an abandonment of the modern law of nations, the declaration of France to Great Britain was quoted, that "that treaty did not stipulate any exclusive advantages in favor of the French na-

tion, and that the United States had reserved the liberty of treating with every other nation whatever upon the same footing of equality and reciprocity."

As by the modern law of nations, expressly adopted by France, enemies' property on board neutral vessels is good prize; and the number of contraband articles has been increased so as to include the materials for ship-building, he observed, it is obvious that the stipulations of the treaty with Great Britain to the same effect cannot be considered as a privilege granted to one nation or an injury to any other.

But this treaty was said to operate "as a real disadvantage." "The French nation," he said, "will not persist in asserting, because the exercise of rights which she has claimed as legitimate on former occasions, becomes inconvenient when exercised by others, that she may therefore refuse to acknowledge and respect them. This would be the language of a haughty despot in a conquered country, not of justice, honor and good faith from one friend to another."

As to its alleged effect, in excluding "Provisions" from France, it did not introduce any new case in which provisions may be contraband; it only provided, that where they were seized as having become contraband according to the existing law of nations, they should not be confiscated, but the owners should be indemnified, and receive a reasonable profit.

As to the generosity of France and the ingratitude of the United States, it was shown, that France only entered into the alliance with them for her own advantage; that she resisted all solicitations for effectual assistance for three years; and rose in her demands, until the capture of Burgoyne; when, on an intimation of the British ministers of their intention to propose terms of accommoda-

tion, she pressed the conclusion of the treaty, and proposed terms more favorable than those she, three months before, had refused.

France consulted her own interest in then engaging in the war. "But it is not the interest of the United States to be engaged in any war, much less do they desire to imbrue their hands in the blood of one nation, to gratify their hatred or serve the interest of another. We have acted right hitherto in laying it down as a principle not to suffer ourselves to be drawn into the wars of Europe; and if we must have a war, I hope, it will be for refusing to depart from this principle."

While Hamilton was thus exerting all his influence to give a pacific direction to the public counsels, and vigor to public opinion, in case war became inevitable, Jefferson was busy disseminating mischief. A letter of this period,* strongly marks his state of mind, and how little truth there was in his professions of respect to Washington:

"In answer to your favor of Dec. 31st, and to the question, whether advisable to address to the President on the subject of war against France, I shall speak explicitly, because I know I may do it in safety to you. Such is the popularity of the President, that the people will support him in whatever he will do or will not do, without appealing to their own reason or to any thing but their feelings towards him. His mind has been so long used to unlimited applause, that it cannot brook contradiction or even advice offered without asking; to advice, when asked, he is very open; I have long thought, therefore, it was best for the republican interest to soothe him by flattery where they could approve his measures; and to be silent where they disapprove, that they may not render him desperate as to their affections, and entirely indifferent to their wishes. In short, to lie on their oars while he remains at the helm; and let the bark drift as his will, and a superintending Providence shall direct.

* Jefferson to Archibald Stewart, Jan. 4, 1797.

"By his answer to the House of Representatives on the subject of the French war; and also, by private information, it seems he is earnest, that the war should be avoided, and to have the credit of leaving us in full peace. I think, then, it is best to leave him to his own movements, and not to risk the ruffling them, by what he might deem an improper interference with the constituted authorities. The rather, too, because we do not hear of any movement in any other quarter, concurring with what you suggest, and because it would scarcely reach him before his departure from office. As to the President elect, there is reason to believe, he, i. e., Mr. Adams, is *detached from Hamilton;* and there is a possibility he may swerve from his politics. Should the British faction attempt to urge him to the war by addresses of support with life and fortune, as may happen, it would then be advisable to counteract their endeavors by dissuasive addresses. At this moment, therefore, and at our distance from the scene of information and influence, I should think it most advisable to be silent, till we see what turn the new administration is likely to take. At the same time, I mix so little with the world, that my opinion merits less attention than anybody's else; and ought not to be weighed against your own good judgment. If, therefore, I have given it freely, it was because you desired it, and not, because I think it worth your notice.

"My information from Philadelphia confirms the opinion, I gave you as to the event of the election. Mr. A. will have a majority of three with respect to myself; and whether Mr. P. will have a few more or less than him seems uncertain. The votes of New Hampshire, Rhode Island, Vermont, had not come in, nor those of Georgia and the two Western States."

Although the purposed, direct allusion to Madison was not retained in the "Farewell Address" of the President, yet enough of the language of the draught prepared by him had been retained to serve as a reminder to Madison of their past and now altered relations. That he felt that these relations were changed, is shown by a formal note of Madison to Washington in *the third person*, of the first of December, ninety-six; and that this change was not far from hostility is seen in a letter near the end of that month addressed by him to Jefferson:

"I fear the distrust with which the French Government view the Executive here; and the *fetters* which the President has *suffered* himself *to put on*, will be obstacles to the reconciliation which he cannot fail to desire." *

"It is impossible," Jefferson replied, "the bank and paper mania should not produce great extensive ruin. The President is fortunate to get off just as the bubble is bursting, leaving others to hold the bag —yet, as his departure will mark the moment when the difficulties begin to work, you will see, that they will be ascribed to the new Administration, and that he will have his usual good fortune of reaping credit from the good acts of others, and leaving to them that of his errors." †

A fortnight later ‡ he makes this more direct attack upon Washington:

"Monroe was appointed to office during pleasure, merely to get him out of the Senate and with an intention to seize the first pretext for exercising the pleasure of recalling him. * * * With you, I think, it best to publish nothing concerning Colonel Monroe till his return, that he may *accommodate* the complexion of his publication to *times and circumstances*."

The impression made on the President's mind by the recent exposure by Hamilton of the conduct of France is seen in a letter of this period to a family connection. § In allusion to a publication of Adet, he wrote:

"Some of his zealots do not scruple to confess, that he has been too precipitate, and thereby injured the cause he meant to espouse, which is to establish such an influence in this country as to sway the government and to control its measures. Evidences of this kind are abundant, and new proofs are exhibiting themselves every day to illustrate the fact; and yet, lamentable thought! a large party, under real or pretended fears of British influence, are moving Heaven and earth to aid him in his designs." Having adverted to the personal

* Dec. 25, 1796. † Jefferson to Madison, Jan. 8, 1797.

‡ Jefferson to John Edwards, Jan. 22, 1797.

§ Washington's Writings, xi. 179, Jan. 8, 1797.

abuse of himself, "even by resorting to absolute falsehoods," he closes —"It will be seen, if I mistake not, also, that that country has not such a claim upon our gratitude, as has been generally supposed; and that this country has violated no engagement with it, been guilty of no act of injustice towards it, nor been wanting in friendship, where it could be rendered without departing from the neutral station we had taken and resolved to maintain."

In pursuance of Hamilton's advice, the Secretary of State was directed to prepare a full reply to Adet's last communication, containing a particular review of the conduct and motives "of the Government from the commencement of the Revolution, to be sent to Pinckney, to be imparted to the Directory."

The time which had elapsed since the meeting of Congress, without any known action upon this subject, excited much impatience, which was increased by intelligence of numerous spoliations in the West Indies. In a letter of the nineteenth of January, from Hamilton to the President, he remarked:

"Our merchants here are becoming very uneasy on the subject of the French captures and seizures. They are certainly very perplexing, and alarming, and present an evil of a magnitude to be intolerable, if not shortly remedied.

"My anxiety to preserve peace with France is known to you; and it must be the wish of every prudent man that no honorable expedient for avoiding a rupture be omitted. Yet there are bounds to all things. This country cannot see its trade an absolute prey to France without resistance. We seem to be where we were with Great Britain, when Mr. Jay was sent there; and I cannot discern but that the spirit of the policy then pursued with regard to England will be the proper one now in respect to France; viz., a solemn and final appeal to the justice and interest of France, and if this will not do, measures of self-defence. Any thing is better than absolute humiliation.

"France has already gone much farther than Great Britain ever did. I give vent to my impressions on this subject, though, I am persuaded, the train of your own reflections cannot materially vary."

The President wrote to him:

"The conduct of France towards this Country, is according to my ideas of it, outrageous beyond conception; not to be warranted by her treaty with us; by the law of nations; by any principle of justice, or even by a regard to decent appearances. In some of the Gazettes and in conversation also, it is suggested, that an Envoy Extraordinary ought to be sent to France; but has not General Pinckney gone there already for the express purpose of explaining matters and removing inquietudes? With what more could another be charged? What would that gentleman think of having a person treading on his heels, by the time he had arrived at Paris, when the arguments used to induce him to go there are all that could be urged to influence the other? And where is the character to be had acceptable and qualified for such a trust? The sooner you can give me your sentiments on these queries the more pleasing they will be to, Dear Sir, Your sincere friend."

The day * on which Hamilton's letter was written to the President, he transmitted a message to Congress, covering a letter from Pickering to the American Envoy at Paris, which contained the contemplated review of the conduct of France, together with copies of all the communications which had passed between the department of State, Fauchet, Adet and Monroe.

In answer to a letter enclosing this document, Hamilton observed to the Secretary of State:

"I have read it with great pleasure. It is a substantial satisfactory paper, will do good in this Country, and as to France, I presume events will govern there. Is it not proper to call upon the merchants to furnish your department with statements and proofs of the spoliations which we have suffered from the French, as was done when the English were in their mischievous career?"

Congress directed this vindication to be published. The publication was denounced in the "Aurora," in which

* Jan. 19.

Adet's note had first appeared, as an unjustifiable attempt to irritate the people.*

Hamilton's views as to the policy of the Administration were disclosed in the following reply to the President's last letter. It bore date the twenty-second of January:

"The sitting of the Court and an uncommon pressure of business have unavoidably delayed an answer to your last favor. I have read with attention Mr. Pickering's letter. It is, in the main, a substantial and satisfactory paper, will in all probability do considerable good in enlightening public opinion at home, and I do not know that it contains any thing which will do harm elsewhere. It wants however in various parts that management of expression and *suaviter in modo* which a man more used to diplomatic communication could have given it, and which would have been happy, if united with its other merits.

"I have reflected as maturely as time has permitted on the idea of an extraordinary mission to France; and notwithstanding the objections, I rather incline to it under some shape or other. As an imitation of what was done in the case of Great Britain, it will argue to the people equal solicitude. To France it will have a similar aspect, (for Pinckney will be considered there as a mere substitute in ordinary course to Mr. Monroe) and will in some degree soothe her pride. The influence on party, if a man in whom the opposition has confidence is sent, will be considerable in the event of non-success. And it will be to France a bridge over which she may more easily retreat.

* Madison to Jefferson, Jan. 29, 1797. After speaking of the reply to Adet's note, he writes: "The British party since this overt patronage of their cause, no longer wear the mask. A war with France, and an alliance with Great Britain, enter both into print and conversation; and no doubt can be entertained that a push will be made to screw up the President to that point before he quits the office."

Again, avowing his embarrassment as to Pickering's answer to Adet, he remarks: "Silence may be construed into approbation. On the other hand, it is not likely that any opportunity will be given for negativing an approving resolution; and it is at least doubtful whether a vote of positive disapprobation in any form whatever, could be safely risked in the House; or, if pressed, whether the public opinion would not be brought to side with the Executive against it."

"The best form of the thing in my view is a commission, including three persons who may be called 'Commissioners plenipotentiary and extraordinary.' Two of the three should be Mr. Madison and Mr. Pinckney; a third may be taken from the Northern States, and I know of none better than Mr. *Cabot*, who, or any *two* of whom, may be empowered to act.

"Mr. Madison will have the confidence of the French and of the opposition. Mr. Pinckney will have something of the same advantage in an inferior degree. Mr. Cabot, without being able to prevent their doing what is right, will be a salutary check upon too much *Gallicism*, and his *real* commercial knowledge will supply their want of it. Besides that, he will enjoy the confidence of all the friends of the Administration. His disposition to preserve peace is ardent and unqualified. This plan too, I think, will consist, with all reasonable attention to Mr. Pinckney's feelings.

"Or (which however I think less eligible) Mr. Madison and Mr. Pinckney only may be joint commissioners, without a third person. Mr. Cabot, (if appointed without being consulted,) will, I think, certainly go. If not, the other two may act without him.

"The power to the Commissioners will be to adjust amicably mutual compensations, and the compensations which may be due by either party; and to revise and remodify the *political* and *commercial* relations of the two Countries. In the exercise of their power, they must be restrained by *precise* instructions to do nothing inconsistent with our other existing treaties, or with the *principles* of construction of those with France, adopted by our Executive government, as declared in its public acts and communications; and nothing to extend our *political* relations in respect to alliance; but to endeavor to get rid of the mutual guarantee in the treaty; or, if that shall be impracticable, to stipulate *specific succors* in lieu of it, as so many troops, so many ships, so much money, &c.; strictly confining the *casus fœderis* to *future defensive wars*, after a general and complete pacification terminating the present war; and defining offensive war to be; where there is either a first declaration of war against the ally, or a first commission of actual hostility on the territory or property of the ally by invasion or capture. As to commerce, with the above restrictions, there may be full discretion. These are merely inaccurate outlines.

"Unless Mr. *Madison* will go, there is scarcely another character that will afford advantage. Cogent motives of public utility must

prevail over personal considerations. Mr. Pinckney may be told in a private letter from you that this is an unavoidable concession to the pressure of public exigency, and the state of *internal parties*. With true respect and affectionate attachment, I have the honor to be."

During this period, the several States had been engaged in the appointment of the Electors of President, and sufficient indications of the popular feeling had been given early in the year seventeen hundred ninety-seven to indicate the result.

The course which Hamilton had strenuously advised was not pursued. A friend writing to him from Boston,* remarked:

"A majority of our electors were at first inclined to throw away their votes from Mr. Pinckney lest he should rise above Adams; but your information showing the danger of so doing, decided all but three, who were determined, upon interested and personal motives to waste theirs. Several hours were spent in discussion before they voted. The result was sixteen for Adams, thirteen for Pinckney; several of Adams's particular friends were very busy to induce these three to stand firm. They are extremely alarmed for his safety, and not without reason. Should Pinckney have been elected, what is to be done? Adams and many of his friends will be very clamorous. They will swear the union of Pinckney with them was a trick to prevent his election; and many of us here shall never again be upon terms with him. *He will never forgive our not being willing to hazard all to save him.* His disposition will not brook the disappointment, and he may be hurried by his temper to break with every one who preferred the public to him.

"Should he fail, which I expect, some attempts should be made to conciliate and appease him, or serious inconveniences may result. It may be well for you and Governor Jay with the President to contemplate the event, and arrange for it. Votes were solicited for Burr, but he will not receive one in New England."

The intimations as to unfair dealing towards Adams,

* Stephen Higginson.

made as to the first election of President and Vice President, are repeated as to this election. The distinct understanding among the Federalists was, that an equal vote should be given by them to the two candidates, Adams and Pinckney, their first object being to exclude Jefferson from either office. These intimations point to Hamilton. The truth is in the opposite direction. The vote of New York, believed to have been given in accordance with his views, was also in fulfilment of this primary purpose. It was unanimous for Adams and Pinckney. The failure to sustain Pinckney was on the part of the immediate friends of Adams, eighteen of the electoral votes of New England given to him, were diverted from Pinckney.* Adams himself contradicted the calumny upon Hamilton, though the after intrigues of Jefferson led him to believe it.†

"The issue of the election," Hamilton observes, "demonstrated the wisdom of the plan which had been abandoned,‡ and how greatly, in departing from it, the cause had been sacrificed to the man. But for an extraordinary occurrence, the departure would have made Jefferson President. In each of the States of Pennsylvania, Virginia, and North Carolina Adams had one vote. In the two latter States, the one vote was as much against

* Life of John Adams, i. 493, 494.

† "Phocion, the ex Secretary (Hamilton) and their connections did not I believe, meditate by surprise, to bring in Pinckney. I believe, they honestly meant to bring in me, but they were frightened with a belief that I should fail, and they, in their agony, thought it better to bring in Pinckney, than Jefferson; and some, I believe, preferred bringing in Pinckney President rather than Jefferson should be Vice President."—Adams's Works, viii. 524, 13 Feb., 1797.

‡ The votes were: Adams, 71; Jefferson, 68; Pinckney, 59; Burr, 30; Clinton, 7. In Virginia, Burr received one vote; in North Carolina, 6; in Georgia, none. These States gave an unanimous vote for Jefferson.

the stream of popular prejudice as it was against the opinions of the other electors. Had only one of them thrown his vote into the other scale, there would have been an equality and no election. Had two done it the choice would have fallen on Jefferson." *

Had the plan been faithfully adhered to, Pinckney would have been chosen President by eighty votes, Adams Vice President. The dignity of the Government would have been maintained, the policy of Washington's administration adhered to; and a long train of consequences, which, to this day, affect the welfare of the American people, prevented.

In another letter from the same source,† his correct perception of the character of Adams is seen.

Higginson wrote to Hamilton:

"The election of Mr. Adams seems to be secured but with an excess only of one vote, which is close work indeed. This, while it avoids the point I before stated to you, will involve another, I fear more dangerous and difficult. The blind or devoted partisans of Adams, instead of being satisfied with his being elected, seem to be alarmed at the danger he was in of failing, and they have the folly to say, that this danger was incurred wholly by the arrangement of pushing him and Pinckney together. They go further, and say that this arrangement was intended to bring in Pinckney and exclude him. They affect to believe this to have been the intention because the character of Adams for discernment and independence forbid all hope of influencing the decisions of the Executive, he being the President; but had Pinckney been introduced, his pliability would have continued the influence of a few over the measures of the Executive which has been too conspicuous during the present administration.

"At the head of this junto, as they call it, they place you and Mr. Jay,‡ and they attribute the design to him and you of excluding Ad-

* Hamilton's Works, vii. 695. † S. Higginson.

‡ Letter of John Adams, Dec. 12, 1796: "They, 'the Southern gentlemen,' certainly wish Adams elected rather than Pinckney. Perhaps it is be-

ams from the chair, which the arrangement alluded to was intended to effect. They affect also to believe, that it is for the interest of the Country to have Jefferson for Vice President rather than Pinckney; that he will serve readily under Adams and will be influenced by and coincide with him.

"These sentiments, however foolish and impudent they may appear, are dealt out freely by some of his particular connections, who seem to consider the country as made for the man, and not the man for the country; and it is believed, that Adams himself entertains them, perhaps has communicated them. Those who know the man, will not be much surprised, if he should himself say the same things when his feelings are up; and it may happen, that believing this, he may be cool and distant towards those with whom he ought to be intimate, and consult upon important occasions. *With such impressions he may attach himself to Jefferson*, if he conducts with address, and adopts a line of conduct towards his former friends which will divide, and may much weaken the Federal interest. I suggest to you thus much, perhaps not new, with a view to prepare you for appearances which might otherwise alarm some of our friends who may not expect them. Possibly, you may think of some mode of preventing the inconveniences which I fear to result from what I apprehend to be Adams's feelings." *

Subsequent events proved how well-founded these apprehensions were. Hamilton felt all their force, and was the more earnest so to direct the opinions of Congress, and of the people as to compel an adherence to the policy by which the honor and the peace of the United States had been preserved.

With the people at large that policy had gained strength. They understood and they appreciated it. But those who looked behind the scenes saw among the Fed-

cause Hamilton and Jay are said to be for Pinckney." So jealous had Adams been as to Jay, that when the latter was appointed envoy to Great Britain, Adams wrote: "Jay is to immortalize himself over again by keeping peace. This will depend on the valor of the French. *I begin to rejoice in their successes more than I did.*" Works of John Adams, i. 493, 495.

* Higginson to Hamilton. Hamilton's Works, vi. 191. Jan. 12, 1797.

eralists in Congress, though zealous for the right, great diversity of views, great want of concert, great lack of energy.

In his last letter to the President, Hamilton had indicated the course which he thought ought to be pursued. These views were also communicated to Sedgewick, now a member of the Senate, and to other persons.

"What are we to do," he inquired,* "with regard to our good allies? are we to leave our commerce a free prey to them? I hope not. It seems to me we are even beyond the point at which we were with Great Britain when Jay was sent there; and that something like a similar plan ought to be pursued; that is, we ought to make a final effort to accommodate, and then resort to measures of defence. I believe *ere long* an embargo on *our own vessels* will be advisable, to last till the conduct of France changes,—or till it is ascertained it will not change. In the last event the following system may be adopted—to grant special letters of marque with authority to repel aggressions and capture *assailants*—to equip our frigates—to arm a number of sloops of war of existing vessels to convoy our merchantmen.

"This may be a middle term to general hostility, though it may slide into the latter. Yet in this case it may be well to let France make the progress. But at all events we must protect our commerce and save our honor."

"I hope," he wrote to the Secretary of State, "my dear sir, effectual measures are taking to bring us to some issue with France to ascertain whether her present plan is to be persisted in or abandoned. For surely our Commerce ought not to be thus an undefended prey."

"What," he had written to Smith, "are you about in Congress? Our affairs seem to be at a very critical point with France. We seem to be brought to the same point with her as we were with Great Britain, when Jay was sent there.

"One last effort of negotiation to produce accommodation and re-

* Jan. 20, 1797.

dress, or measures of self-defence. Have you any thoughts of an embargo? There may be ere long a necessity for it. Are you in earnest about additional revenue? This is very necessary. Mrs. De Neufville, widow of Mr., is on her way to Philadelphia to solicit the kindness of Congress in virtue of services rendered the American cause by her husband. You probably know their history, as South Carolina was particularly concerned. From what I have heard, it seems to me her pretensions on the score of her husband to the kindness of this country are strong. As a distressed and amiable woman she has a claim to everybody's kindness."

In the prospect of a collision with Great Britain, Hamilton had done much by his publications to influence opinion.

All sensitive to the impending danger, he again appeared the advocate of the national honor in a series of essays over the signature of "Americus" entitled the "WARNING."

The principal object of these essays was, to cause to be carried into effect the measures he had advised in private, to expose with a bold hand the destructive designs of France, and to raise the tone of the people to an elevation equal with probable emergencies.

At each successive victory, her usurpation of the sovereignty of hitherto independent nations was the more conspicuous. Domineering in her demands, overreaching in her negotiations, predatory in her purpose, her insolent prosperity spared no victim. Of this, her conduct as to the decree to annihilate all neutral trade gave eminent proofs. Her disavowal of this rescript showed her hesitation in the first instance to violate, and her final disregard of, the opinions of the world. The very principle she had incorporated in her treaty of seventeen hundred seventy-eight and agreed to guarantee, was the principle she was the first to trample under foot.

Holland she had effectually excluded from the ocean. The free cities of Hamburgh and Bremen she had required to interdict all commerce with England;—and, at the pause of the former, had recalled her resident minister. Denmark had been again insulted with a similar requisition. Copenhagen was the scene of a controversy, only less offensive than that which had so recently occurred at Philadelphia.

In the first of these "Warnings"* Hamilton portrayed the new policy of France, to reduce England to submission by extinguishing the sources of her revenue and credit; and to accomplish this by the total interruption of all neutral commerce, and by the establishment of what was subsequently called the "continental system."

By her restraints on all the Italian States the British trade was to be expelled the Mediterranean.—Spain lent her aid in the south of Europe, her sway in the north was assured. The flag of the United States remained the only obstacle to her intolerable tyranny. "Her alleged discontents," he said, "were mere weapons furnished to her adherents to defend her cause." "Her conduct from the commencement of her successes had, by gradual developments, betrayed a spirit of universal domination, an opinion that she has the right to be the Legislatrix of nations—that they are all bound to submit to her mandates, to take from her, their moral, political and religious creeds —that her plastic and regenerating hand is to mould them into whatever shape she thinks fit, and that *her* interest is to be the sole measure of the rights of the rest of the world. The specious pretence of enlightening mankind, and reforming their civil institutions, is the varnish to the real design of subjugating them."

* Jan. 27, 1797.

His object he declared was, "not to rouse a spirit of hostility against her, or to inculcate the idea that we ought of choice to participate in the war against her. He intended merely to justify the motives of honor, which forbid our stooping to be *compelled*, either to submit without resistance to a virtual war on her part, or to avert her blows by engaging in the war on her side."

When the indiscriminate seizure of our vessels by British cruisers under the order of the sixth of November, seventeen hundred ninety-three, he wrote, had brought our affairs with Great Britain to a crisis, which led to the measure of sending a special envoy to that country, it was well understood that the issue of that mission was to determine the question of peace or war between the two nations.

"In like manner," he stated, "it is *to be expected* that our Executive will make a solemn and final appeal to the justice and interest of France, will insist in mild but explicit terms on the reconciliation of the pretension to intercept the lawful commerce of neutrals with the enemies of France, and the institution of some equitable mode of ascertaining and retributing the losses which the exercise of it has inflicted on our merchants. If the experiment shall fail, there will be nothing left but to repel aggression, and defend our commerce and independence. The resolution to do this will then be imposed on the Government by a painful but irresistible necessity; and it were an outrage to the American name and character to doubt that the people of the United States will approve the resolution, and will support it with a constancy worthy of the justice of their cause and of the glory they have heretofore deserved and acquired."

After a warm appeal in which was depicted the conduct of the "servile minions who had no sensibility to in-

jury but when it came from Great Britain—who were unconscious of any rights to be protected against France, who traitorously labored to detach the people from the Government and to turn against it for pretended faults, the resentment which the real injuries of France ought to inspire," he instanced her conduct to Genoa as an example of what the United States were to expect. Her orders to her citizens and their captures were in fact war, "war of the worst kind—WAR ON ONE SIDE." "Whether," he exclaimed, "our determination be to lock up our trade by embargoes, or to permit our commerce to continue to float an unprotected prey to French cruisers, our degradation and ruin will be equally complete. The destruction of our navigation and commerce, the annihilation of our mercantile capital, the dispersion and loss of our seamen obliged to emigrate for subsistence, the extinction of our revenue, the fall of public credit, the stagnation of every species of industry, the general impoverishment of our citizens, these will be minor evils in the dreadful catalogue. Some years of security and exertion might repair them, but the humiliation of the American mind would be a lasting and a mortal disease in our social habit. Mental debasement is the greatest misfortune that can befall a people."

Holland and Italy both prove this. "The former within ten years has undergone two revolutions by the intervention of foreign powers without a serious struggle; mutilated of precious portions of its territory at home by pretended benefactors, but real despoilers, its dominions abroad slide into the possession of its enemies rather as derelicts than as the acquisitions of victory. Its fleets surrender without a blow. Important only by the spoils which it offers no less to its friends than to its enemies—every symptom in its affairs is portentous of national annihilation.

"In weak or young nations it is often wise to hold *parley* with insult and injury, but to *capitulate* with oppression or rather to surrender at discretion is in any nation that has any power of resistance, at all times as foolish as it is contemptible. THE HONOR OF A NATION IS ITS LIFE. There is treason in the sentiment avowed in the language of some and betrayed by the conduct of others, that we ought to bear any thing from France rather than to go to war with her. The nation which can prefer disgrace to danger is prepared for a MASTER and deserves one."

CHAPTER CXXXV.

These appeals, it has been observed, were made to incite the Government to energy, and to raise the tone of the nation.

In his close observation of the events which were passing in Europe, while Hamilton saw that there was much error, much delusion among the people; he saw and he lamented more the errors of their Governments.

With resources which the long subsequently protracted struggle proved to be equal to all that struggle demanded, he could discover no comprehensive system, combining and directing these resources. Irresolute counsels underrated the power of resistance, overrated the antagonistic force, and, in a crisis, when all the energies of the established governments ought to have been concentrated, they yielded to despondence.

The qualities exhibited by the armies of France confirmed his conviction, that as her wars continued, the contest would become more equal. Their stratagem, their active impetuosity had never been surpassed, but their insubordination in defeat, their appetite for plunder, their susceptibility, assured him that they were not irresistible. The causes which had given France her superiority in arms were tending to the same result among her adversaries. Her people had become soldiers from

necessity, the same necessity would render all Europe an empire of soldiers.

Instead of desponding, Hamilton remarked, "There is no end to the folly of the men who are contending for the cause of the whole world." He determined, that as far as his influence could reach, such should not be the reproach of the American counsels.

All the recommendations in the President's speech had been shaped by him, not only with regard to the permanent interests of the country, but to its fast approaching exigencies.

A reinforcement of the provisions for discharging the debt was the first thing to be accomplished. It was necessary, not only for the fulfilment of that great object, but to enlarge the basis of public credit. To withhold supplies was but a part of the pernicious policy of the opposition; they also labored to instil distrust as to the condition of the finances."*

The situation of Europe having prevented the further negotiation of loans abroad deprived the Treasury of a great resource. The depredations upon the commerce of the United States curtailed the public revenue, impaired private credit, and limited the disposable means of individuals, too widely adventured in speculations.

Owing to these causes and to the apprehension of a war with France, in raising a domestic loan of five millions at six per cent., recently authorized, only eighty thousand dollars were subscribed. Thus pressed, the Treasury was obliged to resort to a sale of stock. The question was between a sale of that of the Bank of the United States held by the Government, recently authorized by Congress, and of other stocks.

* Jefferson's Works, iii. 820.

Hamilton again dissuaded the former measure. "I have," he wrote to Wolcott, "received your letter of the first. I deplore the picture it gives, and henceforth wish to forget there is a bank or a treasury in the United States, though I shall not forget my regard to individuals. I do not see one argument in any possible shape of the thing for the sale of bank stock or against the sale of the other stock, which does not apply *vice versa*, and I shall consider it as one of the most infatuated steps that ever was adopted. God bless you."

Notwithstanding the strong reasons which forbade it, the commissioners of the Sinking Fund ordered a sale of the bank stock.

Much as the financial embarrassments were to be ascribed to the course of the Democratic party, its leaders rejoiced at this decision.

Giles, the instrument of Jefferson, now declared in the House of Representatives: "There is a declension of public and private credit, and this is owing to the fiscal arrangements of the Government." This declaration at a moment when confidence was essential to the security of the nation, attracted the attention of Hamilton. He made it the basis of a publication entitled "Anti-Demagogue."

"It is palpable," he said, "to all Europe, as well as to America, that the fiscal measures of Government had raised our national credit from a state of extreme depression, to a level with that of any other Country. If it has suffered any abatement, what are the real causes? Obviously the principal cause is, a doubt as to the stability of our system, produced unequivocally by the hostile conduct of the party of which Giles is a leader; in conjunction with the uncertainty which is occasioned by the convulsions of Europe, which affect, in a degree, all commercial countries connected with that quarter of the earth.

"The funding system, on which rests our national credit, has been so vehemently assailed by his party, that it has become a question whether it will be long maintained. It has even been innovated upon

in the delicate article of the Sinking fund, which has exemplified the danger of more extensive innovations. This apprehension is of itself public discredit.

"The conduct of Giles and his party, has done more, it has inspired a diffidence among cautious men of the stability of the Government itself; and this has laid the axe to the root of public confidence. This conduct, likewise, in promoting opposition to the established revenues, and in counteracting further provisions to strengthen and confirm the system of public credit, has tended materially to lessen its vigor. The same party by other means, have contributed to the same effect. By their eagerness to implicate us in a war with Great Britain, by their intrigues to produce the *appearance* of *danger* of a war with France, and by creating a real danger of that calamity, by encouraging the opinions that our nation is opposed to its government and partial to France, they have contributed to injure public credit.

These are the principal causes of any diminution of credit; causes attributable alone to Giles and his faction. They have done every thing in their power to wound public credit, and now he has the presumption to ascribe its declension to that Department of government, which has done more to establish public credit, than was ever done in any other country in the same time and under equal disadvantages.

"As to private credit, a partial derangement exists; but the obvious cause of this is foreign to the fiscal administration of our Government. This is an excessive spirit of speculation in land and in trade. Speculation in the funds has a long time been at an end. The vast tracts of unsettled land which is rapidly rising in value, have opened a boundless field for a spirit of adventure, and led to excessive operations. The war in Europe also opened prospects of immense gains and tempted our merchants to adventure beyond their capitals. The disorders in France have, in a degree, defeated their hopes; and in many instances, prevented them not only from receiving a profit, but the capital employed." He then adverted to a statement that the American property in the hands of the French reached eight or nine millions of dollars, to which was to be added the amount of British captures for which restitution had not been made.

"As far," he says, "as the confidence of the merchants in the integrity and ability of France had been nourished by his party, they are chargeable with the injuries to private credit derived from that source.

"The very declaration, that there exists a public and private discredit, and that it is ascribable to the Government, tends to produce or increase the evil. All credit depends on opinion, and the belief that there is a discredit, from so serious a cause as a defect in the fiscal system of the Government, constitutes the thing.

"In a word, Giles never opens his mouth, but to injure and disparage the Government; to inspire distrust and dislike of its operations. If any national credit remains, it is not his fault; unhappily he has too many fellow-laborers, and they have been too successful in producing mischief, though, thank God, they have fallen short of their objects, and will probably fail of their accomplishment.

"Yet they malignantly triumph in the mischief they have done, and overrating their achievements, they endeavor by anticipation to transfer the odium to those who have done all in their power to support the Government and its credit."

The representation of Gallatin at the previous session of Congress, that the public debt instead of being reduced had increased five millions, was one of the means of shaking public confidence. It led to a call upon the Secretary of the Treasury to report the *true* state of the "Public Debt."

This report was a conclusive confutation of the estimate of Gallatin, which had gone forth to the people in a volume entitled. "A View of the Finances," * in time to bear upon the Presidential election.

* One of the objections against the fiscal administration, most urged in this volume, was, that the moneys drawn to pay the expenses of the whiskey insurrection were paid out of a fund appropriated for other and distinct purposes, "*they were not drawn agreeably to the Constitution, in consequence of an appropriation made by law.*" "The expenses were defrayed," he says, "out of the moneys appropriated for the military establishment." A clause in a bill framed by a Committee, of which Gallatin was a member, declaring, that "the specific sums mentioned in it, should be solely applied to the objects for which they were respectively designated," was, after a full debate, rejected; two Senators only voting for it. Though he subsequently recommended an enactment—"that every distinct sum appropriated by any law, for an object

It showed a positive gain to the Treasury in a term of five years exceeding two millions of dollars, exclusive of the value of the Bank Stock above par; an excess acquired beyond the payment of interest, and of all the current expenses of the not-to-be-anticipated charges of the Western insurrection, and of the Algerine treaty—beyond the payment of the extraordinary expenditure for foreign intercourse to preserve neutrality; of the frontier war; of the supply of arsenals; the fortification of harbors; the building of frigates; and notwithstanding the loss of much of the internal revenue of five years by combinations against its collection.

The intimation given by Hamilton to Wolcott, that "it was a maxim in his mind, that Executive arrangements should not fail for want of full disclosure to the Legislature," had its due effect. Early in the previous Session, Wolcott submitted a statement to Congress, of the debts and the sums requisite to discharge them. This was followed by a communication, as to the mode of executing "the Act for the Redemption of the debt;" as to which, it has been seen, he had also consulted his predecessor. Thus apprised of the demands of the Treasury, the Committee of Ways and Means recommended an increase of the revenue to the amount of two millions of dollars.*

It has been seen, that Hamilton was of the opinion,

distinctly specified in the law, shall be applicable only to that object," yet he urged that "it will be expedient in the several appropriation laws, *especially* for the war and navy departments, not to *subdivide* the appropriations, beyond what is substantially *useful* and *necessary*."

* It appeared from this Report that, by appropriating a small increase of revenue, the whole foreign debt would be extinguished in 1809, and the whole domestic debt, (in addition to a considerable new debt, if such should arise,) in 1824. The required increase was $1,228,799 until 1800—from 1801 to 1809, $2,376,494; and from 1809 to 1824, $1,119,061.

that the system of duties upon Imports had been carried as far as was consistent with sound policy; and aware, that it was too uncertain a source of revenue* upon which alone to base the foundation of public credit, that he had sought to establish an efficient system of internal taxation. This system popular jealousy had narrowed. It became necessary to supply the deficiency, and the only resource which remained was direct taxation.

"Taxes on houses and lands," he had at the commencement of his career remarked, should be reserved "for objects and occasions which more immediately interest the sensibility of the whole community, and more directly affect the public safety." Hence, though a resort to direct taxation, recommended by Madison to Congress in ninety-four, did not then meet his approbation, he, now, fearing that one of those great occasions was about to occur, looked with intense solicitude to their present proceedings.

In obedience to instructions to report a plan of direct taxation, a full report was made by Wolcott, in which, the system that existed in the several States was set forth at large. From this view, it appeared, that in all but two of the States—Vermont and Delaware—a land tax was then levied. The system of each State differed from the others. To each there were many objections. The debates of Congress showed, that this was a subject on which there was little probability of concert. The Democratic leaders were seen to urge direct taxation, but from a suspicion that their object was to attach odium to its supporters, the leading Federalists wished to postpone it. Hamilton took a different view. To one of these he wrote:

* The total revenue was $6,200,000; nearly five-sixths of this were from Imposts and Tonnage.

"You seem to be of opinion to defer to a future period the commencement of direct taxation. I acknowledge I am inclined to lay hold of it now. The leaders* of the opposite party favor it now perhaps with no good design. But it will be well to take them while in the humor, and make them share the responsibility. This will be the more easy as they are inclined to take the lead. Our external affairs are so situated, that it seems to me indispensable to open new springs of revenue, and press forward our little naval preparation, and be ready for augmenting it.

"I have been reading the report of the Secretary of the Treasury on this subject. I think it does him credit. The general principles and objects are certainly good, nor am I sure that any thing better can be done. I remember that I once promised you to put in writing my ideas on the subject. I intended to have done it and communicated them to the Secretary. My hurry and press of business prevented me, but I concluded lately to devote an evening to a rude sketch and to send it to you. You may show it to the Secretary and confer. If in the course of the thing it can be useful to the general end we all have in view, it will give me pleasure. If not, there will have been but little time misspent. Of course no use will be made of it in contradiction to the views of the Treasury department.

"As to the part which relates to land, I do not feel any strong preference of my plan to that in the report, for this in my opinion ought to be considered only as an auxiliary and not as the *pith* of the tax. But I have a strong preference of my plan of a House tax to that in the report. These are my reasons.

"It is more comprehensive, embracing all houses, and will be proportionably more productive. It is more certain, avoiding the evasions and partialities to which valuations will forever be liable, and I think is for that reason likely to be at least as equal. I entertain no doubt that the rule of rates, adapted as they are to characteristic circumstances, will in fact be more favorable to equality than appraisements. I think the idea of taxing only houses of above a certain annual value will be dissatisfactory. The comparison of the proprietors of houses immediately above with those immediately below the line will beget discontent, and the errors of valuation will increase it.

"I think there will be a great advantage in throwing the weight of

* Findley, Gallatin, Madison, Nicholas.

the tax on houses, as well because lands are more difficult to manage as because it will fall in a manner less dissatisfactory.

"I would not bear hard in this way. I would add, as aid, the taxes contemplated last Session, on stamps, collateral successions—new modifications of some articles of imports, and let me add, saddle horses. The idea of taxing slaves generally will not work well. If confined to all menial servants for luxury as coachmen, footmen, cooks, &c., it would be eligible."

In a general letter to Smith of South Carolina, this subject was also referred to.

"I received your letter of the ——. Though I do not like in some respects the answer of the House to the Speech, yet I frankly own I had no objection to see it softened down. For I think there is no use in *hard* words, and in public proceedings would almost always unite the *suaviter in modo* with the *fortiter in re*.

"But I must regret that there is no prospect of the *fortiter in re*. I perceive clearly that your measures will wear upon the whole the aspect of *resentment*. Without means or energy sufficient to repel injury, our country will be first ruined, and then we shall begin to think of defending ourselves.

"I will not enter much into detail, but I will observe, that instead of three frigates of thirty-two, I would prefer an increase of the number of cutters. Surely twenty of these cannot embarrass the most squeamish, and less than this number will be useless.

"But from all I can see you will have no revenue. Over-driven theory everywhere palsies the operations of our government, and renders all rational *practice* impossible.

"My ideas of revenue would be a tax on buildings, one million. A stamp tax, including perfumeries—a percentage on policies of Insurance, on collateral successions to real and personal estates, on hats,—half a million.—Saddle-horses, one hundred and fifty thousand.—Salt (so as to make the whole twenty-five per cent.), three hundred and fifty thousand.—A total of two millions. I have explained my ideas of a house tax to Wolcott and Sedgewick. It is to take certain *criteria* of different buildings and annex to them *ratios* not *rates* (what I gave to Sedgewick as *rates* may serve as *ratios*.) Then apportion the tax among the States and distribute the quota of each among the individ-

uals according to ratio. The aggregate of the ratios will represent the quota of the State, then as that aggregate is to the sum of the quota, so will be the *sum of the ratios* of each building to the tax to be paid by each individual.

"I am told an objection will arise from the negro houses in the South. Surely there is no impracticability in annexing *ratios* to them which will be proportional to their taxable value.

"This plan will avoid the worst of all inconveniences, the arbitrary of valuations; and will avoid the embarrassment, for the present, of a land tax, will be also consistent with expedition. I entertain no doubt it can be adjusted so as to be free from any material objection. The smallness of the tax will render any material inequality impossible. You cannot compute fewer than six hundred thousand houses, which, at an average, would be about a dollar and a half a house. The proportions of the better houses on the proposed plan would make the tax fall light on the inferior and country houses, which is desirable in recommending the first essay: nor would any house, I am persuaded, have to pay ten dollars. What room for serious objection? You then lay a foundation for an annual million on real property which will become a permanent accession to your revenue; whereas you will feel an endless embarrassment about agreeing upon any tax on lands."

After much discussion, a bill was committed, providing for a direct tax on land and a tax on slaves, but, as Hamilton had anticipated, it was not acted upon.

From a desire to avoid responsibility, an expedient was resorted to which he thought highly impolitic. It was a resolution, passed at the instance of the Committee of Ways and Means, calling on the Debtor States to provide for the payment of the balances found due by them, on a settlement of the accounts, which arose out of the war of the Revolution.

Great warmth was seen during its discussion upon a proposition of Nicholas to seize the stock held by New York in the public funds.

"The agitation of this question," Hamilton wrote, "has been every way unfortunate. There is not an *individual* in the State of New

York who is not profoundly convinced that the settlement was *wholly artificial*, and as it regarded the rule of quotaing, manifestly unjust; and consequently that there is no justice in paying it. I never saw but one mode of getting through the business, which is for Congress to call for a certain sum of each Debtor State annually; say a *fiftieth* part, declaring that, if not paid, each instalment shall bear interest from the time it becomes due, but till then the principal to carry no interest. I believe the State for harmony sake would yield to such an arrangement. It may be said, this will be only a nominal payment. I answer: True—but an *artificial* balance ought only *nominally* to be paid. The conduct of some gentlemen on the last question has pained me much. It is inconsistent with a tacit pledge of faith."

The bill was defeated in the Senate. The only measure taken for an increase of the revenue was the imposition of additional duties upon a few important articles of consumption.

Nor were the other proceedings of Congress more efficient.

A bill to establish a militia system was, in despite of the earnest efforts of Harper, abandoned. The recommendation of a Military Academy was not considered. The proposal to institute a Board of Agriculture resulted in a Report recommending a central society of Agriculture to be incorporated by the Government. Nothing was done to promote the manufacture of arms and of other military supplies. A National University found few advocates.* The Military establishment was re-

* This subject was discussed chiefly in reference to a proposal, that Congress would authorize persons to receive a donation from the President for this object. "The Report," Madison observed, "did not call the University, a National University. It speaks of it as an University in the District of Columbia. He thought there was a material difference between calling it an University, and a National University. Congress might form an institution there, which could not be considered an Institution of the United States, which might nevertheless have all the good of a National Institution; and it was in this qualified light in which he viewed it!!"

duced; and a bill to man the Navy was, at the instance of Gallatin, postponed.

The discussion of this measure led to the examination of an important principle, whether, a law existing, directing the frigates to be equipped and manned, the House could exercise a discretion and refuse an appropriation. The law was the act of all the departments of the Government. The refusal to appropriate by either branch of the legislature, and thus to render the co-ordinate branches dependent on the arbitrary pleasure of one, was eloquently denounced by Ames. The doctrine, he said, would reduce the whole government to a single assembly, a sovereign convention.

A letter* from this distinguished man to Hamilton, who wished "an inside view of the scene," gives a picture of deep interest.

After enumerating what he thought ought to have been done by Congress, Ames remarked:

"We are formed but of late for independent sovereignty—Experience has not laid on her lessons of birch, and we forget them. Our whole system is little removed from simple democracy—what we call the *government* is a phantom, as long as the Democrats prevail in the House.

"The Heads of departments are head clerks. Instead of being the Ministry, the organs of the Executive power, and imparting a kind of momentum to the operation of the laws, they are precluded of late even from communicating with the House by Reports. In other Countries they may speak as well as act. We allow them to do neither. We forbid the use of a speaking trumpet, or, more properly, as the Constitution has ordained that they shall be dumb, we forbid them to explain themselves by signs. Two evils obvious to you result from all this.

"The efficiency of the Government is reduced to its minimum. The proneness of a popular body to usurpation is already advancing to

* Jan. 26 1797.

its maximum. Committees already are the ministers, and while the House indulges a jealousy of encroachment on its functions, which are properly deliberative, it does not perceive that these are impaired and nullified by the monopoly as well as the perversion of information by those very committees.

"The reliance on the responsibility of members to the people is disproved by every page of the history of popular bodies. We expect confidently that the House of Representatives will act *out* of its proper character, for if it should act according to it we are lost. Our government will be in fact a mere democracy which has never been tolerable, nor long tolerated.

"Our proceedings evince the truth of these speculative opinions. No one was furnished with proper information. Nobody was answerable for what he proposed to give.

"The Committee of Ways and Means collects the scraps and fritters of facts at the Treasury, draws crude hasty reports tinctured with localities. These are not supported by any formed plan of co-operation with the members; and the Reports call forth the pride of all the motion makers. Every subject is suggested in debate; every popular ground of apprehension is invaded; there is nothing to enlighten the House or to guide public opinion. But the apathy and inefficiency of our body is no secret to you. We are generally in a flat calm; and when we are not, we are near sinking in a tempest.

"Sooner or later individuals and public bodies will act out their principles. Ours are, I fear, essentially more Democratic than Republican, which latter are alone fit for our Country. We think the Executive power is a mere pageant of the Representative body. We ourselves are but passive instruments wherever the sovereign people choose to speak for themselves, instead of our speaking for them.

"The momentum imparted to our political machine is weak, and the resistance strong. Faction appears of course in such a state of things. This, I confess, naturally excites a counter influence, but even the power of party seems to be dissipated. We are broken to pieces. Some able man of the first order of abilities, and possessing the rare union of qualities that will fit him to lead a party is wanting. Even when roused to the utmost, it is in need of a clear-sighted guide.

"As this is the state of our politics, what is to be done? The friends of the government have increased within two or three years in numbers and zeal, but few of them know or could be made to believe, that its fair outside conceals such alarming weakness."

He a second time besought Hamilton to take a seat in the House of Representatives.

Soon after,* Hamilton wrote to King:

"I am overwhelmed in professional business, and have scarcely a moment for any thing else. You will have learned the terrible depredations which the French have committed upon our trade in the West Indies on the declared principle of intercepting our whole trade with the ports of her enemies. This conduct is making the impression which might be expected, though not with that electric rapidity which would have attended similar treatment from another power. The present session of Congress is likely to be very unproductive. That body is in the situation which we foresaw certain *anti*-executive maxims would bring them to. Mr. Adams is President, Mr. Jefferson Vice President. Our Jacobins say, they are well pleased, and that the *lion* and the lamb are to lie down together. Mr. Adams's PERSONAL friends talk a little in the same way. 'Mr. Jefferson is not half so ill a man as we have been accustomed to think him. There is to be a united and vigorous administration.' Skeptics like me quietly look forward to the events, willing to hope, but not prepared to believe. If Mr. Adams has *vanity*, 'tis plain a plot has been laid to take hold of it. We trust his real good sense and integrity will be a sufficient shield."

Two days after, he wrote to Wolcott:

"I groan, my dear sir, at the disgraceful course of our affairs. I pity all those who are officially in the vortex. The behavior of Congress in the present crisis, is a new political phenomenon. They must be severely arraigned before the bar of the public. How unfortunate that our friends suffer themselves by their passiveness, to be confounded in the guilt."

The intelligence from Europe gave full confidence in the determination of the British government to fulfil its treaty with the United States.† As to the few instances, unavoidably incidental to a state of war, in which violа-

* Feb. 15, 1797. † King to Hamilton, vi. 207. Feb. 6, 1797.

tions of neutrality occurred, her reparation was ample, and prompt. A growing sense of security had quickened the energies of the merchants. Their enterprise pervaded every sea, and the promise was strong and bright, that the nation was now to reap the full harvest of its justice and forbearance.

But it was a short and a delusive gleam. The success of her arms had nerved the purpose of France. Her swollen pride had resolved the subjugation of England, and to effect this, the peace and the industry of the world were to be disturbed.

The guarantee of the French West India possessions, was a principal equivalent in the treaty of seventy-eight for her assurance to the United States of the freedom of their trade. Those possessions were made the instruments of the destruction of that trade.

Day after day, information was received of new depredations on the American commerce, of captures without the pretext of right, of condemnations without inquiry into the wrong. Advice was at last received on the twenty-fifth of February of a decree issued by the agents of the Directory at Gaudaloupe, authorizing the capture, without previous notice, of all neutral vessels, which had cleared for the West Indies. The seaports were filled with consternation, and the undefended commerce appealed to Hamilton for protection.

It has been seen, that he was the first to apprise the President of the new system of France; and that he had urged upon the Cabinet, with earnest repetition, early efforts for redress.

His proposal of an extraordinary mission was not approved by the Cabinet, but no substitute had been adopted. The first duty of government, he felt, forbade longer inaction, and on the day after the decree as to the West

India trade was known in New York, he again wrote to Sedgewick: *

"The present inimitable course of our public affairs proves me to be a very bad politician, so that I am afraid to suggest any idea that occurs to me. Yet I will give over my timidity, and communicate for your consideration, a reverie which has struck me.

"It is a fact, that the resentment of the French government is very much levelled at the actual President. A change of the person (however undesirable in other respects) may give a change to the passion, and may also furnish a bridge to retreat over. This is a great advantage for a new President, and the most ought to be made of it. For it is much our interest to preserve peace, if we can with honor, and, if we cannot, it will be very important to prove that no endeavor to do it has been omitted.

"Were I Mr. Adams, then, I believe I should begin my Presidency by naming an extraordinary commission to the French Republic. And I think, it would consist of three persons, Mr. Madison, Mr. Pinckney and Mr. Cabot. I would pursue this course for several reasons, because I would have a man as influential with the French as Mr. Madison, yet I would not trust him alone lest his Gallicism should work amiss—because I would not wound Mr. Pinckney so recently sent in the same spirit—thirdly, I think Cabot would mix very useful ingredients in the cup.

"The Commissioners should be charged to make explanations, to remonstrate, to ask indemnifications; and they should be empowered to make a new treaty of commerce not inconsistent with our other treaties—and perhaps to abrogate or remodify the treaty of alliance.

"That treaty can only be inconvenient to us in future. The guarantee of our sovereignty and independence henceforth is nominal. The guarantee of the West India Islands of France, as we advance in strength, will be more and more real. In future, and in a truly defensive war I think we shall be bound to comply efficaciously with our guarantee. Nor have I been able to see that it means less than an obligation to take part in such a war with our whole force. I have no idea of treaties which are not executed.

"Hence, I want to get rid of that treaty by mutual CONSENT, or to liquidate its meaning to a treaty of *definite* succor in a clearly *defensive*

* February 26, 1797.

war—so many men, so many ships, so much money, &c., to be furnished by one ally to the other.

"The idea of a definite duration would also be useful. This of course must be so managed as to exclude unequivocally the present war in all its possible mutations.

"Such objects are important enough for *three*. In Executive matters, I am as little fond as most people of plurality—but I think it pedantry to admit no exceptions to any general rule. And I believe under the circumstances of the case, a Commission would be advisable. I give my dream as it has occurred. You will do with it what you please.

"The idea here given to be useful ought to be executed at once. The Senate should not be permitted to disperse."

This mission was urged in vain. The Cabinet still hesitated. The temper which had prevailed in the House had gained influence in the Senate; and the precautionary measure of empowering the President to lay an embargo, suggested by Hamilton, was lost in that body, by an equal vote.

New influences had begun to operate on the mind of Adams; and, ere Washington had ceased to be at the head of the Government, his adversaries had made their artful approaches to his successor.

While the election was pending, the Democratic presses, in addition to the clamor they had raised against his alleged opinions on government, sought to alarm the people by declaring, that war with France would be the certain consequence of his elevation; but, as soon as the result was known, their tone changed.

They asserted, that the reply of Pickering to Adet, as to the treaty of eighty-three, was designedly drawn up so as to exclude Adams's services from view, "and depreciate him in the eyes of his constituents;" that Hamilton and Jay "were disappointed at his election, intending to confine him four years longer to the 'insignificant office'

he then held; but that the Eastern States had discovered their duplicity." His "Farewell Address" to the Senate, which excited distrust among the Federalists, was applauded by the Democrats. It was declared, that there was no apprehension that "he would become the head of a party, as his predecessor had done. It was fortunate that he had come in against the influence of Hamilton. This he knows, and of course takes care how he suffers himself to be led by him, as Washington had been."

The jealousy of Adams's friends as to the joint support of Pinckney has been stated. One of the Electoral College had mentioned this subject, and expressed gratification at the choice of Jefferson. The reply * denounced the support of Pinckney as a "Machiavelian policy," and concurred in the sentiment as to the election of Jefferson, as a person between whom and Adams there had never existed "any public or private animosity."

These dispositions were soon disclosed by Madison to Jefferson. He wrote him in cipher:

"There is reason to believe also, that your neighborhood to Adams may have a valuable effect on his councils, particularly in relation to our external system. You know that his feelings will not enslave him to the example of his predecessor. It is certain, that his censures of our paper system and at the intrigues at New York for setting Pinckney above him have fixed an enmity with the British faction. Nor should it pass for nothing, that the true interest of New England particularly requires reconciliation with France, as the road to her commerce. Add to the whole, that he is said to speak of you now in friendly terms; and will no doubt be soothed by your acceptance of a place subordinate to him. It must be confessed, however, that all these calculations are qualified by his political principles and prejudices. But they add weight to the obligation from which you must not withdraw yourself."

* Abigail Adams to Gerry. Gerry's Life, ii. 144.—Jefferson to Madison. Jefferson's Works, iii. 346.

An opportunity of thus dividing the Federal party, perhaps of swaying the Administration, was seized with avidity. Jefferson forthwith addressed a letter to Adams. In this letter, he, who had in the note prefixed to Paine's "Common Sense," first raised the charge against him of monarchical tendencies, speaks of the opposition to each other, as the act of "the public and the public papers." "I have never," he wrote, "one single moment expected any other issue," (to the election) "and though I know I shall not be believed, yet it is not the less true, that I have never wished it. My neighbors, *as my compurgators*, could aver that fact, because they see my occupations and my attachment to them. Indeed, it is possible, that you may be cheated of your succession by a trick worthy the subtlety of your arch friend of New York, who has been able to make of your real friends tools for defeating their and your just wishes. Probably however, he will be disappointed as to you; and my inclinations put me out of his reach. I leave to others the sublime delight of riding in the storm, better pleased with sound sleep and a warm berth below, with the society of neighbors, friends, and fellow-laborers of the earth, than of spies and sycophants." This letter concluded with a prayer for the success of his administration, and an assurance of his "sincere respect and attachment." *

It was enclosed open to Madison, to be delivered, if he should deem it expedient. "If," Jefferson observed to him, "Adams could be induced to administer the government on its true principles, quitting his bias for an English constitution, it would be worthy consideration, whether it would not be for the public good *to come to an understanding with him as to his future elections.* He is

* These extracts are from the letter as given in Randall, ii. 318.

the only sure barrier against Hamilton's getting in." The enclosure was withheld by the "discretion" of Madison, for which he received the thanks of Jefferson, who again wrote to him, in terms alike indicative of his desire to ensnare Adams, and of his unrelenting hostility to Washington.

"My letters* inform me, that Adams speaks of me with great friendship, and with satisfaction in the prospect of administering the government in concurrence with me. As to my participating in the administration, if by that he means the Executive Cabinet, both duty and inclination will shut that door to me. I cannot have a wish to see the scenes of seventeen hundred ninety-three revived as to myself, and to descend daily into the arena like a gladiator to *suffer martyrdom in every conflict.* I do not believe Mr. Adams wishes war with France, nor do I believe he will truckle to England as *servilely as has been done.*" Attempts have been made to reconcile this proposed coalition with Adams with Jefferson's denunciations of him as a monarchist!!

While thus seeking to sow discord among his adversaries, Jefferson was busy in obeisances to his friends. To Madison, he avowed it, as "the first wish of his heart, that *he* should have been proposed for the administration of the government;" and his anxious hope that his own name should come out second or third. "I thank you," he says to Rush,† "for your congratulation on the public call on me to undertake the second office in the United States, but still more for the justice you do me in viewing, as I do; the escape from the first. * * * If I am to act, however, a more tranquil and unoffending station could not have been found for me, nor one so analogous

* Jefferson's Works, iii. 346. † Jan. 22, 1797.

to the dispositions of my mind. It will give me philosophical evenings in the winter and rural days in summer." His disappointment might find not a little relief in this secondary "unoffending station," where he could remain "tranquil, when," as he writes, "the storm was about to burst"—from this high look-out, without descending into the arena, directing his supporters, misdirecting his opponents. To Rutledge he wrote, "that he desired nothing but rest and oblivion." He, who had sought as anxiously, and had enjoyed as largely, as any other man, political favors, and who never refused them, declared "on his salvation," that his "name was again brought forward without concert, or expectation on his part;" that "he had no passion to govern men."

From his rural tastes and his philosophic ease, he would have it believed, that he was only reluctantly drawn, in order to avert a war with France, lest it might endanger the cause of republicanism; that cause which he subsequently charged Washington with having so much endangered. "That influence," he wrote, "once withdrawn and our countrymen left to the operation of their own unbiassed good sense, I have no doubt we shall see a pretty rapid return of general harmony, and our citizens moving in phalanx in the paths of regular liberty, order, and sacrosanct adherence to the Constitution. Thus, I think it will be, if war with France can be avoided."

Great were the apprehensions of the Democratic leaders, that the aggressions of France would impair their influence with the people of America which an open rupture might extinguish.

To prevent this called for all their art. So intimate was their correspondence with France, that, long before intelligence of that event had reached the United States,

the Democratic press in communication with Monroe, prophesied the rejection of Pinckney, and urged the appointment of Madison, as an Envoy, whom France would receive with open arms.

Jefferson, the Vice President elect, arrived at Philadelphia on the second of March, and intent upon his object, "called instantly upon Adams."

Two days after, Adams commenced his constitutional term. He was inaugurated as President in the House of Representatives on the fourth of March, when were present both the branches of Congress, Jefferson at the head of the Senate—the Judges of the Supreme Court—the foreign ministers—Washington's cabinet. In advance of the Judges, Washington sat alone. The President, who had filled the Speaker's chair, having arisen, delivered his inaugural address, in presence of a vast throng of citizens. He then took the oath of office and retired.

During this simple ceremonial Washington stood,—every eye, shedding unrestrained tears, fixed upon him. After a courteous deferential bow, he also withdrew, returning to his residence on foot. From the galleries and the lobbies there was a general rush to catch a last glimpse of him as he passed along. None remained, excepting those whom official decorum detained. A momentary smile of satisfaction at this exhibition of public affection illumined his countenance. It was followed by a tear; and, when reaching his mansion, he turned to acknowledge the salutations of an adoring people, he could not speak.*

* March 7, 1797. John Adams writes: "It is the general report that there was more weeping than there ever has been at the representation of a tragedy. But whether it was from grief or joy, whether from the loss of their beloved President, or from the accession of an unbeloved one, or from the novelty of the thing, or from the sublimity of it, arising from the multitude

The Session of Congress now terminated. In vain, Hamilton had urged the importance of presenting some object to the hopes of the people; in vain, the necessity of another firm solemn appeal to France. Congress dispersed, and what policy would govern the new administration, though Adams retained in office the existing Cabinet, was all anxious conjecture.*

present, or whatever other cause, *I know not.* One thing I know. I am a being of too much sensibility to act any part well in such an exhibition. Perhaps there is little danger of my ever having such another scene to feel or behold.

"The stillness and silence astonishes me. Everybody talks of the tears, the full eyes, the streaming eyes, the trickling tears, &c., but all is enigma beyond. No one descends to particulars to say why or wherefore; I am therefore left to suppose that it is all grief for the loss of their beloved."

* This article appeared in the Aurora, on the day Washington ceased to be President: "'Now lettest thou thy servant depart in peace, for mine eyes have seen thy salvation,' was the pious ejaculation of a man who beheld a flood of happiness rushing in upon mankind; if ever there was a time that would license the reiteration of this exclamation, the time is now arrived; for THE MAN WHO IS THE SOURCE OF THE MISFORTUNES OF OUR COUNTRY, is this day reduced to a level with his fellow-citizens, and is no longer possessed of power to MULTIPLY EVILS on the United States; if ever there was a period for rejoicing this is the moment. Every heart in unison with the freedom and the happiness of the people ought to beat high with exultation, that the name of Washington from this day ceases to give currency to POLITICAL INIQUITY and to legalize corruption. A new era is opening upon us—an era that promises much to the people, for public measures must now stand on their own merit, and NEFARIOUS PROJECTS can no longer be supported by a name. When a retrospect is taken of the Washington administration for eight years, it is a subject of the greatest astonishment, that a single individual could have CANKERED THE PRINCIPLES OF REPUBLICANISM in an enlightened people, and should have carried HIS DESIGNS AGAINST THE PUBLIC LIBERTY, so far as to have put in jeopardy its very existence. Such however are the facts, and with these staring us in the face, THIS DAY OUGHT TO BE A DAY OF JUBILEE IN THE UNITED STATES."

NOTE TO VOLUME VI.

"The Life of James Madison, by William C. Rives, vol. i."

The necessity is regretted of placing upon record a comment upon two notices of this work found in the above-mentioned volume.

Widely exceeding the large liberty permitted in controversial writings, the author has indulged in language unworthy an historian. It would seem to be his desire to fix the attention of the reader upon William C. Rives, as the advocate of Jefferson and Madison, in order that it may be diverted from the proofs of their injustice to a cotemporary, doubtless, not without the hope, that it may benefit the author in the estimation of those Virginians, who regard it as a merit to espouse the policy of these men in opposition to that of Washington, Patrick Henry, Chief Justice Marshall and Hamilton. So much notice is taken of the *language* of W. C. Rives, merely because, to pass it over in silence, might seem to warrant similar departures by others from the amenities that ought to mark the conduct of those engaged in historical researches. The *substance* of his two notices will now be considered.

I.

A few words as to Jefferson. In a note to vol. i. 232 of "The Life of Madison," it is said by the author: "But so extraordinary an attempt has been recently made to *sustain* the most reckless of all those imputations—that of personal timidity—by the testimony of one of Mr. Jefferson's most intimate friends, that having in our possession the document which has been thus strangely applied, we feel called on to produce it and let it speak for itself." The passage referred to by Rives—infra. ii. 168—is in these words: "The near presence of British troops was irksome to the Governor" (Jefferson), "he began to talk of resigning his office. 'It is also said,' Edmund Pendleton writes to Madison at this time, 'the Governor intends to resign. It is a little cowardly to quit our posts in a bustling time.'"

To impair the force of this charge, W. C. Rives says, he gives the whole passage of the letter: "We had no House of Delegates on Saturday last, which, with an empty treasury, are circumstances unfavorable at this juncture. Mr. Henry has resigned his seat in Congress, and I hear Mr. Jones intends it. It is also said, the governor intends to resign. It is a little cowardly to quit our posts in a bustling time." "The remark of Mr. Pendleton, it is seen," Rives observes, "refers *exclusively to a question of civil cour-*

age in times of public difficulty and includes Mr. Henry, and Mr. Madison's own colleague, Mr. Jones, equally with Mr. Jefferson, in its friendly and gentle expostulation."

Being possessed only of the extract, the context was not given, but, if possessed of it, ought it to have been given? Does the context alter the force of the charge, that "the intention of Jefferson to resign was 'cowardly?'" The charge, that "the near presence of British troops was irksome," is sustained by the positive imputation on him of "*timidity* and *impotence*," the absence of both personal and civil courage, by one of the most gallant and intelligent of the officers of Virginia—Henry Lee.* The charge that his intention was "cowardly," following the previous charge, is given as it was made.

Does the fact that Patrick Henry had resigned his seat in Congress prove aught against him? At the earliest stage of the Revolution, it was he, who moved the embodying, arming and disciplining the militia. It was he, who first led an armed company "to replace the gunpowder taken out of the magazine," and it is he, who is seen deploring the inefficiency of Virginia. With such facts, it is probable, that he resigned his seat in the Congress of 1780, whose character was imbecility, to take part, if resistance could be organized in "*the bustling*" *scenes* from which Jefferson fled. Was the intention of Jones to leave such a Congress at such a time to be recorded also against him, without a knowledge of his motives? Let Rives record an imputation against Patrick Henry†—the eloquently brave, and the bravely eloquent Virginian, whose fault, it may be believed, in his eyes, is, that, at the urgent instance of Washington, he braved and defied and scorned, with Carrington and Marshall and other true Virginians, Jefferson and Madison, and their servile partisans.

Such superfluous accusations are disdained. The question was not of them, but of Jefferson. "The bustling time" was not at Philadelphia. There all was quiet. "The bustling time" was in Virginia—then invaded. The house of delegates not meeting when they ought to have met. The treasury empty. The Governor, charged with the defence of the State, making no provision for its defence, not attempting to defend it—flying from its defence, and "keeping himself behind the current of a broad and unfordable river, flitting from place to place."‡

He fulfils his "cowardly" intention, he resigns his place and records with his own trembling pen, that "he had *lost the small estimation he had before possessed*," that he "had been suspected in the eyes of the world."§

Washington, ever circumspect, looking at a distance on this disgraceful scene, could not withhold, *even from him*, the avowal of deep mortification!

Not, with all these facts before him, W. C. Rives interposes "the little cavil" just read. If Jefferson was defensible, why did he not enter upon his defence? Why refer to others who had made no approach to a defence? Why not explain, Jefferson's own admission of his own public disgrace? Why, when he mentions that Jefferson "had resigned his seat in the continental congress," does he omit all mention of the *precise* time when he did resign,—*the second of September*,—the moment when the news arrived of the defeat on Long Island—flying *then* from the capital of the United States as he *after* fled from the capital of Virginia, when the danger was near by? "But the tide of fortune," Rives states, "now began to ebb, and the *disastrous battle of Long Island*, and the expulsion of the American army from the City of New York by the *overwhelm-*

* "What ill spring from the *timidity* and *impotence* of rulers! In them attachment to the common cause is vain, unless guided in times of difficulty, by *courage*, wisdom and concert."—Lee's Southern War, ii 16.

† Life of Madison, i. 94—note. See also p. 127.

‡ "Observations by Henry Lee, of Virginia," p. 128.

§ Infra. iii. 66.

ing superiority of the enemy's forces concentrated there, commenced that mournful succession of *reverses* which *tried to the uttermost* the great soul of the commander-in-chief, and *called* for the *united fortitude, courage* and wisdom of all America." How Jefferson obeyed this call is seen. Yet on the very page in which this sentence closes, after one intervening paragraph, and in the sentence which follows the mention of his resignation, Rives hastens to eulogize him, "as a *bold* and *vigorous champion* of American rights and the *laurels* with which he was crowned as the author of the Declaration of Independence," placidly calling the charge of cowardice, "*a friendly and gentle expostulation.*" *

One signal fact will now be adverted to. It has been stated above, that Washington avowed to Jefferson his mortification at the disgraceful scene. Hamilton, writing by his order and in his name, observes: "It is *mortifying* to see so *inconsiderable a party* committing such depredations *with impunity*, but considering the *situation of your State*, it is to be wondered you have suffered so little molestation. I am apprehensive you will suffer more in future; nor would I be surprised, if the enemy were to establish a post in Virginia till the season for opening a campaign here." †

Although W. C. Rives had, in the previous page ‡ of this volume, asserted, contrary to all faithful cotemporary evidence, § "In every stage of the war, she felt that she" (Virginia) "had exerted herself to the utmost of her ability for the common cause, both in the North and in the South," still he *omits* this pointed pregnant rebuke of his native State by Washington, severing it from the context, which immediately follows, and which he gives. Thus he is convicted of the very act, he, a few pages after, unjustly imputes to another.

Yet he prefaces his work with the assertion, "that, he is keeping before his eyes the great moral law of History, that he may not dare to utter a falsehood, or to shrink from uttering a truth."

II.

The other notice of this work by W. C. Rives, "Life of Madison," i. 487, will next be examined: It is entitled by him, a "Posthumous attack upon Mr. Madison." The "attack," as he calls it, is not *posthumous*. The writer lives to vindicate it. It would have been more correctly entitled a "Vindication of a father by a son from some of the *posthumous* libels of James Madison upon Hamilton, Washington, Jay, ‖ Marshall, and other devoted, faithful servants of their country." Thus viewed, the motive and the mode of the Vindication will better be appreciated.

In exoneration of Madison from the charge "of attempts in his report of the Debates of this session of the old Congress" (1782–1783) "to place Hamilton in a false light," the author calls it, "a paltry crime without an adequate motive," as though there could be any *adequate* motive for any crime.

In confirmation of this allegation, he remarks, "at *the time* when the reports in question were taken, and many years afterwards, as is shown by their correspondence, *the*

* Life of Madison, i. 169, 170. † Infra, ii. 21. ‡ Life of Madison, i. 212.

§ Infra, i. 559, ii: 11, 81, 239-244.

‖ Madison's Debates, i. 282: "Upon the whole, it was thought and observed by many, that our ministers, particularly Mr. Jay, instead of making allowance for and affording facilities to France, in her delicate situation between Spain and the United States, had *joined with the enemy* in taking advantage of it to increase her perplexity." This passage refers to the negotiations which resulted in the definitive treaty of peace with Great Britain.

most friendly personal relations, and *on some points*, a cordial political co-operation existed between Mr. Madison and Colonel Hamilton."

The fact that Madison does "attempt to place Hamilton in a false light" in these reports, on several occasions, by positive misstatements of an injurious character is shown in the notes to this work, infra, ii. pp. 358 to 358, 361, 362, 368, 374, 398. The *falsity* of the statements there exposed being obvious, (as to some of which it will be more fully shown) and the injurious character of them, being manifest, the question as to Madison, resolves itself into one of two alternatives; either—Madison, while "the most friendly personal relations" existed with Hamilton, was guilty of "this great baseness;" or,—these relations having changed, he then, from motives of envious hostility, made these fabrications. The choice is left between these alternatives, though a careful examination will convince that these reports were, to a great extent, subsequent fabrications.

The second allegation is, that, "in *most of the instances* in which these fabrications are charged, nothing is imputed to Hamilton, but what would render his conduct more meritorious, according to the views and opinions entertained by the reporter, and when, too, by the evidence furnished by the reporter, no credit could be gained to himself at the expense of Colonel Hamilton."

The qualified language "in *most of the instances*," shows, that as to *other* instances this excuse does not apply. *In some instances*, therefore, Madison does impute to him, in disregard of these "most friendly personal relations," conduct not meritorious and not in consonance with his own views.

The instances of "falsification" as to Hamilton noticed in Vol. ii. of this work are in a note to p. 358: 1. The imputation of a proposed *breach of faith* by Hamilton towards the holders of the old continental money,—the *public creditors*.—2. In note to p. 358—a proposed *breach of faith* by Hamilton towards *his fellow soldiers*, on a motion to postpone from Aug. 1, 1780, from which time the army were *entitled* to receive their pay in the "new omission bills"—to the 1st Jan., 1781.—3. In note to p. 361. The assertion by Hamilton of *an untruth* and *a justification* of it on the ground of its "*expediency*."—4 and 5. Proposed deliberate violations by him of the Articles of Confederation he had sworn to maintain and observe.

As his biographer only seeks to vindicate Madison as to two of these "falsifications"—that as to a valuation of the public lands, and as to his course as to the holders of the old continental money—the public creditors—the inference is, that, of "the some instances," one, is Hamilton's proposed *breach of faith* towards *his fellow soldiers*. The contradiction of this charge is shown by the Journal (infra, ii. 358—Journals of Congress, iv. 152), and is direct and positive. The falsification is the more flagrant, inasmuch as Madison states, that the "report was drawn by Col. Hamilton," and, as drawn by him, the report was in *strict fulfilment* of the public faith, pledged to his fellow soldiers; and also as the Journals show him voting *to adhere to this pledge*, and voting *against a departure from it*. A more malignant, odious falsification, on the part of Madison, it would be difficult to imagine.

Another of these "some instances" is, the assertion by Hamilton of an *untruth* and a *justification* of it on the ground of its "*expediency*."

In the note to infra, ii. p. 361, it is seen, that Madison ascribes to Hamilton a statement of the *untruth* in "a *late report*"—in a minute of his Debates of the 24th of January;—that the Journal of that date does *not* refer to this report, but that the Journal of the 30th gives the report in full; which was "agreed to;"—that the statement in the report is confirmed by *positive evidence*, and that the document which furnishes this evidence, *passed through Madison's hands!*

A third of these "some instances," is a proposed violation of the Articles of Confede-

ration by Hamilton, accompanied with an avowal; that "it was *wrong*." The note, infra, ii. 390, shows, for obvious reasons, that *these* could *not* have occurred.

These "some instances," W. C. Rives *carefully avoids* all notice of; yet with such indisputable evidence before him of Madison's "falsifications," he seeks to defend him. Had he "not been unmindful of the obligations of justice and candor" he could not have done this.

The other instances of attempts by Madison "to place Hamilton in a false light," will now be adverted to.

It is stated, infra, ii. 399: "The object of Madison, thus placing himself in the foreground is defeated by recurring to the fact, that while he represents his motion as of the 28th of January, the Journals show the precedence of Hamilton in his *prior* report of the 16th December."

The Report is a letter addressed to the State of Rhode Island. After stating the necessity of loans from individuals, Hamilton observes in this letter "to conciliate this, we must not only stipulate a proper compensation for what we lend, but we must give security for the performance. We must pledge an ascertained fund, simple and productive in its nature, general in its principle, and at the disposal of a single will. * * * This will not be the case, unless the *collection* as well as *the appropriation* is under the control of the United States." He had, in a previous part of this document, argued the constitutional right of Congress to appoint "internal officers" to collect the fund.

To carry the objects of this State paper into effect, Hamilton, on the 16th of December, 1782—the day of the date of this report, presented a resolution to Congress in these words—"Whereas it is essential to justice and to the preservation of public credit, that whenever a nation is obliged by the exigencies of public affairs to contract a debt, proper funds should be established, not only for paying the annual value or interest of the same, but for discharging the principal within a reasonable period, by which a nation may avoid an excessive accumulation of debt, therefore; Resolved, that whenever the net produce of any funds recommended by Congress and granted by the States, for funding the debt already contracted, or for procuring future loans for the support of the war, shall exceed the sum requisite for paying the interest of the whole amount of the national debt, which these States may owe at the termination of the present war, the surplus of such grants shall form a sinking fund, to be inviolably appropriated to the payment of the principal of the said debt, and shall on no account be diverted to any other purpose." "The faith of the United States" was "pledged for the observance of" this "resolution."

This resolution, thus declaring the policy of establishing "proper funds to pay *the interest* and discharge the principal of the *national* debt," after providing for the payment of the interest of the debt, called for the formation of a "Sinking fund" to discharge it. It thus contemplated an efficacious, national system of finance, such as was subsequently projected and effected by Hamilton; and the Journals show, that this was the first broad effective proposition to do justice, to provide for the war, and to restore public credit, which was made.

Madison had been a member of Congress since the 20th of March, 1780. From him no proposition to effect these ends had emanated. On the contrary, he is seen to have contemplated a resort to military coercion against delinquent States.

What must be the astonishment in any mind, not familiar with our subsequent history, to find that he presents himself on the 28th of January, 1783, making a proposition for "the establishment of permanent and adequate funds to operate generally through the United States," as "absolutely necessary for doing complete justice to the creditors of the

* Preface to Life of Madison, p. xii.

United States, for restoring public credit, and for providing for the future exigencies of the war"—a proposition which he calls "now modified" from one ascribed by himself to Wilson, *without adverting*, in his report of the debates and proceedings of this Congress, (which he gives from day to day, sometimes merely referring to the Journals;) *without adverting* to this *previous* resolution of Hamilton. He not only does not advert to it, but he *suppresses* all mention of it. His only allusion in his report of that day's proceedings ("Dec. 16, 1782") is in these words: "The answer to the objections of Rhode Island as to the impost, penned by Mr. Howell, passed without opposition, eight States being present, of which Rhode Island was one, a few trivial alterations only being made in the course of discussion."

He does not give the name of the Committee which made this Report, of which Hamilton was Chairman. He does not, as in other instances refer to the Journal. Even when he states a motion of Hamilton of the 19th of February (subsequent to his own alleged motion) he refers to "the resolutions of 1782"—thus omitting the date of them. Can such omissions—where the object is so palpable—be ascribed to accident? Or can it escape the observation of the reader of these "Madison papers," how meagre are his reports of the speeches of other members—how full those of his own? In his report of Jan. 28, 1783, the speeches of Wilson and of Hamilton, as given by him, are each contained in *eleven lines*. His own speech occupies nearly *seven pages*.

To relieve Madison from the charge of placing himself "in the foreground;" W. C. Rives states, that, "Madison in his 'Debates' records the fact, that the *principle* of the proposition was embodied in a report on the claims of the army made by Col. Hamilton and adopted by Congress, three days before his own motion [Madison's Debates, vol. i. pp. 278-280], and again the Debates show the declaration of Mr. Wilson, the mover of the proposition which was modified by Mr. Madison, that he had been led to bring forward his proposition by the previous action of Congress in favor of Colonel Hamilton's report" [Idem, p. 299].

The reader of this passage might suppose that Hamilton was referred to *by name*. This is not so. Wilson is reported as giving "his assurances, that" his motion "was neither the effect of *preconcert* with others nor of any determinate plan matured by himself, that he had been led into it by the declaration on Saturday last, by Congress, that substantial funds ought to be provided."

Thus the making this report ascribed by Madison to Hamilton, as a member of the grand Committee, followed by a resolution, "that Congress will make every effort to obtain from the respective States, *general* and substantial funds adequate to the object of *funding* the whole debt of the United States; and that Congress ought to enter upon an immediate and full consideration of the nature of such funds, and the most likely mode of obtaining them," is all that appears from Madison's report. The foundation resolution of Dec. 16th is ignored entirely, and Wilson and Madison are represented in the "Debates" as leading in this important matter, no person reading these Debates having a hint to conjecture, that Hamilton was the *previous author* of the *only efficient system of finance*—funds to pay the interest—a sinking fund to pay the principal—the whole to be authorized by—appropriated by—collected by, Congress, through its own appointed agents. So solicitous is Madison to exclude Hamilton from view, that he represents Wilson, as declaring, that his motion "was neither the effect of *preconcert with others*, nor of any determinate plan matured by himself," and this, after the fact shown by the Journal, that Hamilton's report of the 16th of December was agreed to by Congress,* which report anticipated the alleged resolutions of Wilson and of Madison, in *Committee*

* Journal, iv. 201. "Resolved that Congress *agree* to the said report."

(*as the latter states*,) and went beyond the resolution adopted by Congress on the twelfth of February 1783.

This Report was appended by Madison to his Debates, and it will be seen, by referring to the Appendix to them, xix., that he omits to give the statement on the journal, that *it was agreed to by Congress.*

So essential a fact in the history of the proceedings of this Congress is by him thus wholly kept out of view.

Passing from these matters, as his biographer ventures to state, "in themselves of *small importance* and altogether unworthy the notice *we* have bestowed upon them, but for the use that *has* been attempted to be made of them to bolster up a charge of falsehood and misrepresentation against Mr. Madison," he proceeds to the matter "of the mode of arriving at a valuation of lands in the respective States as a basis of federal assessments, (the subject of another charge against Mr. Madison of misrepresenting Colonel Hamilton in his reports of the debates of Congress.)" To the charge of misrepresentation by Madison, he answers,—"It is known by incontrovertible facts that Colonel Hamilton and Mr. Madison agreed in their opinion of the *futility* of these proceedings;" and he refers to the Journals, iv. 163, 164, 182, 183, and to this work—infra, ii. 369–376.

The text of page 374 infra, vol. ii.,—one of these pages referred to, shows Hamilton's views: "My idea is, that taking it for granted the States will expect an experiment on the principle of the Confederation, *the best* plan will be to take it by Commissioners, appointed by Congress, and acting under their authority." The note to this page shows, that on the 6th of January 1783 he *offered a resolution* for "an eventual plan" of valuation in fulfillment of the eighth article of the Confederation, which, he states, "intended an *actual* and *specific* valuation, not a mere *general estimate*." "While we insist therefore," he adds, "upon adhering to the Confederation, we should do it in reality, not barely in appearance. Many of those who voted for this scheme, had as bad an opinion of it as myself, but they were induced to accede to it by a persuasion, that some plan for the purpose was expected by the States; and that none better, in the present circumstances of the country, could be fallen upon."

Such is the positive evidence in a letter of Hamilton to Governor Clinton explaining the course of this matter, and his own view, of date, the 24th of February 1783. Yet Madison represents him as wishing "the valuation to be taken up, *in order* that its *impracticability and futility* might *become manifest*." The very authority referred to by W. C. Rives in this general way *contradicts him*. He proceeds: "There is one other instance in which the charge of falsification is brought against Mr. Madison, which we will briefly notice, and then dismiss the revolting theme."

It will be perceived by referring to a note infra, ii. 353, that the misstatement of Madison to which the instance referred to relates, is extracted in full from his "Debates," i. 236, so that the extent and purport of this misstatement may be fully comprehended. This comment follows: "On the 18th of March 1780 Congress resolved that the bills in circulation should be redeemed at the rate of forty for one Spanish milled dollar. To allow a less equivalent was a breach of faith. The object of the foregoing statement is, to represent Hamilton as voting in favor of this breach of faith; but the statement is incorrect in all its parts. The transaction is represented as having occurred on the 7th of December and not on the 7th of January, the actual date of the occurrence, as appears by the Journal, vol. iv. page 141. To give color to this alteration of the date, it is represented, as having taken place in grand committee, and not in the House." W. C. Rives calls this an arbitrary and gratuitous confounding of the proceedings of the House with the proceedings of the grand committee. It is no such thing. There is no other express or inferred confounding of the two proceedings;—the object of the statement is to show, that the

proceedings alleged by Madison to have occurred in Grand Committee on the 7th of December, did not occur then or there, or at any time, or anywhere else.

Madison's statement is—"December 7th. The grand committee met again on the business of the old paper emissions and *agreed to the plan* reported by the sub-committee in pursuance of Mr. Fitzsimmons' motion; viz., *that the outstanding bills be taken up* and *certificates* issued in place thereof, at the rate of one real dollar for ——— nominal ones, and that the *surpluses redeemed by particular States should be credited to them at the same rate.*"

The Report of the grand committee given on the Journal of the 7th of January, 1788, iv. 141, *disproves* this statement of Madison.

The report actually made—given *verbatim*, with marks of quotation—provides, in the first place, that individual holders of continental paper money "be entitled to receive a specie certificate for all such sums of the said money as they shall respectively pay into the hands of such commissioners at the rate of one silver dollar for every ——— continental dollars—the certificates to bear interest of six per cent. from the date, and be provided for as other public debts"—limiting the time within which such paper money was to be received and certificates given.

In the second place,—the Report provides, "*that the States which have not sunk the proportions assigned to them*, of the continental money, be charged with the deficiency, or the amount of what they have not *sunk, at the rate aforesaid.*"

From this, it is apparent that the plan actually reported *provides* for the *deficiency not redeemed* by each State being charged against it—and *does not provide*, as Madison states it does, for any "surpluses redeemed by particular States"—proceeding on the ground, that "the States which *have not sunk* the proportions assigned to them be charged with the *deficiency.*"

Why should any State have redeemed a surplus of the continental paper money beyond its assigned proportion? Is there any probability it would have done so, in the then condition of the finances of every one of the United States? Was there any motive for its so doing?

Be this as it may,—If the actual report had only provided for "the *surpluses* redeemed by particular States," it would have left a portion of the continental money then out, *unfixed in its rate* and *unprovided for;* and thus the very object of the Report to embrace all the unredeemed continental bills, and to fix a general standard of value, conforming to the resolution of 1780, would not have been accomplished. A *second breach* of faith," as Hamilton called it, would have taken place, and, as an inevitable consequence, a large portion of the old paper being unprovided for, the value of the new emissions, resting on the pledge of Congress, would have at the instant of their issue, been most seriously affected, if not annihilated.

It is evident, that such being the object of the report of the Grand committee, in accordance with the pledged faith and the essential policy of the country, that the plan, as stated by Madison to have been agreed to by the grand committee, was *not agreed to.* His wide departure from the actual fact proves one thing more, that Madison's statement was not made cotemporaneously—that is, at the time the report was made; and justifies the belief that he was not a member of the Grand Committee.

The second point in issue is, as to the actual procedure with respect to the *rate* at which the continental money was to be redeemed.

It is seen, that Madison states, (Debates i. 226,) that the report of the sub-committee to the grand committee—as to the issue of certificates for the outstanding bills—left the rate *blank.* Madison subsequently states (Debates i. 239, Dec. 24th,) "that the grand committee reported, after another meeting, with respect to the old money, that it should

be rated at *forty for one*," and that "the chair decided, on a question raised, that *according to rule*, the blank should not have been filled by the committee, so the rate was expunged."

The obvious motive for this statement is to reconcile the statement made by Madison as to the proceedings in the Grand committee with the embarrassing fact, that it reported the rate of exchange *in blank*.

Can it be believed, that with a subsisting and controlling *rule* as stated by Madison, as to the proceedings in Grand committee, that this committee would have taken a series of votes, such as Madison represents was taken—when by the *very rule*, such votes could produce *no result*—when the object of any such rule must have been to reserve the rate to the final action of the House, without a precommitment of opinion by only a part of its members—(the Grand committee when full consisted of thirteen members—the House at this time of twenty-nine members);—or else, as the final vote was by States, to preclude only one member from a State precommitting it by a vote in such committee. The improbability of any such rule, is however very great. There is no evidence of its existence on the journals, and there is no good reason for its existence. The truth will be more nearly reached, from the subsequent proceedings in the House—that the report of the Grand committee was *in blank*, because of the wide difference of opinion of its members rendering it not possible to come to an agreement.

The improbability of Madison's statement may be judged of in another point of view. He states in his Debates, that, "in the session of the grand committee of Dec. 7," the first vote, with one exception was against the rate of "*one for forty*," giving "as the reasons urged in favor of one for forty—first, an *adherence to public faith*—secondly, that the depreciation of the certificates would reduce the rate sufficiently low, they being now negotiated at the rate of three or four for one." After stating certain reasons given for reducing the rates to 1 for 75—1 for 100—and 1 for 150, he observes, "the opposition to these *several rates* came from the Southern Delegates, in some of whose States *none*, and in others *but little*, had been redeemed, and in all of which the depreciation had been much greater," and then he adds the reasons given by himself against a redemption at any of these rates—Debates i. 228. The result he states, was that the committee could not agree.

With such dissenting views and dissenting votes as are stated by Madison to have been given on the 7th of December, and when the rule, *as he states*, precluded any rate being given in its report, is it probable that the grand committee, as he relates [Debates ii. 239] on the 24th of December, reported, after another meeting, with respect to the old continental money, that it should be rated at forty for one, and that at this second meeting—after the votes represented by him to have been taken on the 7th of December, that, "the Chair," (*then*,) "decided on a question" (*then*) "raised, that *according to rule*, the blank should *not have been filled by the committee*; so the rate was expunged." Is it probable, that in behalf of such an argument for adopting the rule of one for forty—as "an adherence to public faith," there was only a single vote—that of Howell of Rhode Island?* Is it probable, that with such a concurring vote on the 24th of December, as Madison states, in favor of "one for forty," that on the 7th of January—*only a fortnight later*, it would be *rejected*, as the Journal shows it was, by a vote of 20 out of 29 members—or, counting the votes by States, by the voice of five States to three—the votes of two States being divided;—the more improbable, as the Journal shows, that as to the

* Though the Journal shows, that Howell had only on the 16th of November previous written a letter containing a false statement, of a nature to prevent a grant by the States to raise a national fund, calling it a "dangerous measure," which letter was stigmatized by Congress—iv. 118, 121, 122.

great dividing principle—a recommendation that the old bills should be provided for by the States or by an act of the United States, in the vote by the States, there was only a majority of *one* State in favor of a provision by the United States.

The more important point is as to Madison's statement as to the *votes given by Hamilton*, in Grand Committee, (as he says,) in respect to *the rate* at which the *blank* was to be filled, providing for the Continental money. It is seen by his statement in his Debates, that Hamilton is there represented, as voting *against* the blank being filled with the *rate of one silver for forty paper dollars*; and that he represents the reasons assigned (though he represents only one member as governed by these reasons in his single affirmative vote), "first, an adherence to public faith—secondly, that the depreciation of the certificates would reduce the rate sufficiently low."

Now look at the letter of Hamilton to Robert Morris of the 30th April 1781. Providing in his suggested plan for a redemption of *all* the paper then omitted, he says, "the old at forty for one," and then he remarks, "It is of the *greatest importance* that the *old currency* should be fixed at a certain value; or there will be danger of its infecting the future paper. Besides, we want to raise it to a point that will make it approach nearer to an adequate medium. I have chosen the resolution of *March* '80 *as a standard*. We ought not, *on any account*, to raise the *value of the old paper higher than forty for one*, for this will give it the degree of value that *is most salutary*; at the same time that it will *avoid a second breach of faith*, which would cause a *violent death to all future credit*."

Entertaining such an opinion as to the policy and honesty of a provision of "forty for one," and of the danger of "a violent death to all future credit," to be caused by "a second breach of faith," is it credible, will it be believed, that Hamilton voted (as Madison represents him as voting) *against* forty for one, especially when the very motives stated by Madison to have been urged *in its favor* are precisely those urged previously by Hamilton in his letter to Robert Morris? Is it credible—will it be believed, that Hamilton gave such a vote, when it appears by the Journal of *the 7th of January* following, iv. 142, that the *first motion* fixing the rate of redemption was that *made by Hamilton*, and that his motion was *in favor of* "*forty for one!*" "A motion was made," (the words of the Journal,) "by Mr. Hamilton, seconded by Mr. Collins, that the blank in the report be filled with the word 'forty.'" *For* this rate Hamilton is recorded—of course, as voting—Madison as voting *against* it, the former, for "an adherence to the public faith," the latter, for "a second breach of it."

The purport of Hamilton's votes, as recorded on the Journal, is thus stated, infra, ii. 355: "In voting *not* to postpone, Hamilton evinced his determination to fulfil a public engagement. In voting not to *refer* the provision to the *States*, he voted from the same motive. In proposing forty for one, he voted from the same motive. In voting *against* seventy-five for one, he voted upon the consideration stated by him to Morris in the letter previously referred to." He had also voted on the 21st of December, only three days before the opposite vote ascribed to him by Madison, to certify certain evidences of "debts at and after the rate of *one dollar* in specie for every forty dollars" of such "evidences."

This was the opinion of his life. It is seen in the strong language used by him, deprecating another breach of the public faith.*

The marked contrast between Hamilton's conduct on this great question of principle—of public faith—with that of Madison would not show well in history. The facts are such as Madison would prefer not to record in his narrative of the proceedings of this

* Infra, pp. 180, 181.

Congress. Nor does he record them. He *omits all mention of the proceedings of the 7th January*, which show the *actual* course of Hamilton, believing where one person would refer to the Journals, many would read *his* report of its proceedings and its debates. All that is seen there, when he reaches in course the 7th of January, is—"See the Journals." The omission by Madison to state what passed in the House, Rives is careful not to condemn.

It is stated, infra, ii. 355, "The grand committee was elected by the previous Congress, and was composed of Duane, Dyer, Fitzsimmons, Gilman, Hanson, Howell, Jackson, Lee, McKean, Telfair, Williamson, and Witherspoon. *Hamilton was not a member of it*; consequently he could not have given the vote imputed to him by Madison, or any other vote."

The Journal, iv. 141, *gives these as the names of the grand committee which made this report on* the 7th January. In refutation of this inference from such an entry on the Journal, the biographer of Madison states, "that the Journal was evidently governed by the list of those who originally composed the committee which had been raised during the preceding Congress; and that Colonel Hamilton was subsequently put on the committee, and was a member of it at the time to which Mr. Madison's statement relates, is sufficiently shown *by other facts* appearing on the Journal, as well as by the positive averment of Mr. Madison." What the *other facts* appearing on the Journal, which show this, are, it would be well if W. C. Rives had stated. It may be, there are no such facts. It is a mere averment. "A grand committee," he adds, "consisted of a member from each State. Mr. Duane was the member of the Committee originally taken from New York, and his name appears as such among those given on the Journal," and Duane obtained with L'Hommedieu formal leave of absence on the 27th of November 1782, and did not resume his seat until after the 16th of July 1783."

The inference then stated is, that some one must have been taken from New York to supply Duane's place, and that Hamilton was the person, as it is also inferred that Madison was appointed to fill the place of Lee who obtained leave of absence on the 4th of October, 1782; and as Rives incorrectly says, "is shown by the Journal," did not return until the 16th of July, 1783, for the Journal shows his name in the list of votes on the 12th of February (iv. 160), and Madison reports speeches by him in the months of January, February and March. As Lee's absence was for so short a period, delicacy might forbid his place on the grand committee being filled by another, where there was no urgent motive to fill it.

The first statement as to the names of the grand committee, will be seen, by comparing the list of this committee on the Journal of the 7th January with the list of those who composed this Committee raised during the preceding Congress (iv. Journal 72, Sept. 10, 1782), to be *erroneous*. In the list of the grand committee, whose report was acted upon on the 7th of Jan., 1783, the substitution of two of the new members of it, Fitzsimmons and Hanson in place of Clymer and Carroll, is *given*—the substitution of Hamilton or of Madison is *not given*. The inference therefore is, that this report was drawn up before Duane left Congress and before the vacancy of Lee was filled, it appearing from the Journal of Nov. 5, 1783, that all committees appointed by the last Congress were authorized to proceed in the business before them. The Journal has governed the statement; that it is incorrect is mere supposition. Still, if conceded or proven, that Hamilton was a member of the grand committee which made the report brought forward on the 7th Jan., 1783, the proof is not impaired, that *he could not have voted* and *did not vote*, as Madison has represented him to have done.

The comment of W. C. Rives closes with an expression of "his revulsion of feeling at

the charges against one of the purest and most elevated characters that ever adorned humanity."

The votary has selected his own shrine. It would have been well had he remembered, that a similar option belongs to others, and that a curvet or a toss of the head is not the way to refute a statement or to answer an argument.

His biographer feels it necessary in two pages to make three averments as to Madison's veracity,* but who that has carefully read and weighed the facts in the preceding volumes, shown in Madison's speeches and letters, can have doubts of his character and of the ultimate settled opinion of the world, that he was one of the most false men known in history.

One great indisputable fact extends itself over and marks this whole matter in controversy, never to be forgotten. The debates of the old Congress, which he professes to reveal were *secret*. Its Journals show its determination, even in a special instance, *not* to make them public.† To disclose them was a breach of honor and of faith, and as far as Madison has disclosed them, he stands before the world, self-convicted of this breach.

The debates of the Federal Convention, of which he was a member, were expressly *enjoined* to be *secret*. Chief-Justice Yates, also a member, "though often solicited, refused to permit" his notes, "to be published, not only because they were *not originally written* for the public eye, but because he conceived himself under *honorable obligations* to withhold their publication."‡ They were published, *after his decease*, by Genet.

Washington states in his Diary: "*Nothing being suffered to transpire*, no minutes of the proceedings have been, or will be, inserted in this diary." Such was the conduct of one of the most conscientious—sincere—upright—men that ever lived—Washington.

How, in dark contrast with this dignified, honest man, has Madison recorded himself! "The curiosity I had felt during my researches into the history of the most distinguished confederacies" * * * "and the deficiency I found in the means of satisfying it" * * * "determined me to preserve, as far as I could, an exact account of what *might pass* in the Convention, whilst executing its trust, with the magnitude of which I was duly impressed, as I was by the gratification promised to future curiosity," &c.§

Had this violation of confidence been known, Madison would have been expelled the Convention, and the opprobrium he felt he would incur by a publication during his life is seen in his refusal to do so, though urged by Jefferson. It was indispensable to the honor of Madison, that if he intended to do this forbidden act, he should have announced it openly, to put others on their guard, and not thus confine to his own pen exclusively the representation both of his own course and opinions as well as those of others. The act was both an injustice and a dishonor, and the very slightest evidence against his statements must therefore in the minds of honorable men countervail his strongest averments.‖

* Life of Madison, i. 249, 251. † Infra, iii. 378. ‡ Infra, iii. 257.

§ Madison's "Debates," ii. 716.

‖ On a more careful perusal of this work of W. C. Rives, the more are manifested its unfairness and untruthfulness. This is not surprising, when it is seen that, after many great and undeserved favors from our Government, he has become a *traitor*.

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